

**SIMON LAZARUS: THE COURT  
UNDOES THE 20TH CENTURY**

**SEN. EDWARD KENNEDY:  
HOW TO FIX THE COURT**

**EARLY CHILDHOOD:  
A SPECIAL REPORT**

# THE AMERICAN PROSPECT

DECEMBER 2007



## Has Hillary Locked It Up?

**BY HAROLD MEYERSON**

**LIBERAL INTELLIGENCE**

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# THE AMERICAN PROSPECT

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VOLUME 18 • NUMBER 12 DECEMBER 2007

*"They're the A.K.s who give the O.K.s!"*

—IRA GERSHWIN, ON THE REACTIONARY PRE-FDR SUPREME COURT, IN "ENTRANCE OF THE SUPREME COURT JUSTICES" FROM THE 1931 MUSICAL OF THEE I SING. "A.K." IS SHORT FOR ALTE KOCKER, WHICH IS YIDDISH, LOOSELY, FOR "OLD FART."

## FEATURES

- 12 **How Hillary's Done It—So Far** *by Harold Meyerson*  
With the country in general and Democrats in particular clamoring for change, for peace, and even at times for populism, you'd think Barack Obama or John Edwards would be leading the Democratic presidential pack—but they're not. Here's how Hillary has built her lead—taking some progressive positions, glossing over differences, and benefiting from the decline of the Democrats' historic internecine wars.
- 14 **The Supreme Court's Wrong Turn—And How To Correct It** *by Senator Edward M. Kennedy*  
During their confirmation hearings, John Roberts and Samuel Alito declined to answer any questions about specific court decisions, even landmark cases like *Brown v. Board of Education*. Now that they've all but overturned *Brown*, the reason for their reticence is clear. Herewith, from the senior member of the Senate Judiciary Committee, a proposal to require real answers on real cases and real policies from Supreme Court nominees.
- 19 **Repealing the 20th Century** *by Simon Lazarus*  
While everyone's been watching intently to see what the Supreme Court does on abortion, hardly anyone has noticed that the Roberts Court has been hell-bent on overturning established state and federal laws requiring business to take some heed of consumers, workers, and the environment.
- 24 **Left Behind?** *by Dana Goldstein*  
For years, Ossining, N.Y., has been home to innovative school-integration and race-specific teaching programs to help close the racial achievement gap. Now, the courts and public opinion are threatening the Ossining experiment.
- 29 **What Ever Happened to Moderate Republicans?** *by Thomas F. Schaller*  
Ever hear of the Republican Leadership Council? Neither has anybody else. A survey of the political landscape of moderate Republicanism finds it to be surprisingly barren.

## SPECIAL REPORT

- A1 **Life Chances: The Case for Early Investment in Our Kids**  
In which we explore the necessity of, and deal with the challenges to, establishing a national policy of early childhood investment, with articles by *Robert Kuttner, Lawrence Aber, Susan Urahn and Sara Watson, Kate Sheppard, Tara McKelvey, Rucker C. Johnson, Sara Mead, Marcia K. Meyers, David L. Kirp, and Mark Schmitt*. We gratefully acknowledge the support of the six foundations, whose names appear on page A2, that made this report possible.

## COLUMNS

- 3 PROSPECTS: **Hold That Tax** *by Paul Starr*
- 9 THE OUT YEARS: **Look Back in Awe** *by Mark Schmitt*
- 11 COMMENT: **This Is Murder?** *by Sarah Blustein*
- 44 THE LAST WORD: **Paying For It** *by Robert B. Reich*

## CULTURE & BOOKS

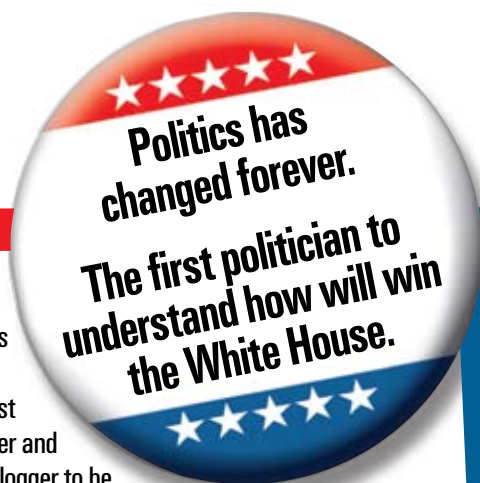
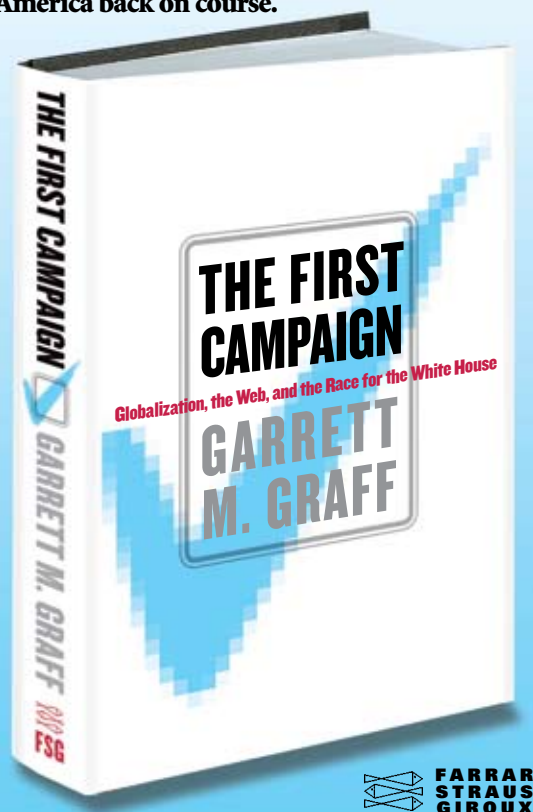
- 35 MEDIA: **Shedding Her Bootstraps?** *by Phoebe Connelly*  
Personal-finance guru Suze Orman has had an epiphany: Lending institutions could use some regulation.
- 37 BOOKS: **The Great Enabler** *by Robert Kuttner*  
Alan Greenspan's memoir is a gem of Greenspanian temporizing, until his stunning (for him) assertion that globalization really does lower wages.
- 41 BOOKS: **Faith-Based History** *by Marci A. Hamilton*  
Hugh Heclo's history of Christianity in America overlooks the factional, temporal, and profane concerns of the nation's churches.

## DEPARTMENTS

- 4 CORRESPONDENCE
- 6 UP FRONT: Is George Soros the source of all evil? Plus T.A. Frank on global warming's overlooked benefits, and The Question.

*Cover art by John Ritter*

**H**e was Howard Dean's first webmaster and the first blogger to be granted credentials for a White House press conference. Now, Garrett M. Graff shows how globalization is transforming the political process, as domestic issues (including the economy, health care, and job safety) become global issues and the Web changes everything from fundraising to voting patterns. Combining vivid campaign-trail reporting with a provocative argument about the state of American politics, **Graff makes the case that the party that best meets the challenges of globalization will win the election—and put America back on course.**



# THE AMERICAN PROSPECT

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# Hold That Tax

**I**T SEEMS SO REASONABLE, PARTICULARLY TO MANY Democrats. To solve the long-term shortfall in Social Security, why not tax all earnings instead of just the first \$97,500? Wouldn't taxing pay above that level be the economically progressive and fiscally responsible way

to solve Social Security's problems?

Prodded by Tim Russert at two Democratic presidential debates this fall, Joe Biden, Barack Obama, and John Edwards agreed that it was indeed the thing to do. None of them challenged Russert's premise that Social Security faces so dire a prognosis that only a big tax increase or cut in benefits can solve the problem.

Let's think carefully about this. Do Social Security's problems need to be addressed now by a tax increase? How many tax increases can the next president expect to get through Congress? And what would be the impact of taxing all earnings on the long-term *political* viability of Social Security?

Social Security does not face an urgent crisis. It will be solvent through 2041 even under the dismal 1.8 percent economic growth rate assumed by the Social Security actuaries under the most-cited "intermediate" projection for the program. According to that scenario, Social Security will have a deficit equal to 2 percent of payroll (or .7 percent of gross national product) over the full 75-year period that the actuaries attempt to forecast.

These forecasts are not facts in the usual sense of the word. They depend on guesses not just about economic growth but about inflation, birth and death rates, immigration, and many other unknowns—all the way out to the year 2082. We're not certain what most

of these variables will be next year. But a lot of people have become persuaded that the very height of responsibility is to promise to raise taxes next year on the basis of speculative projections of what will happen decades from now.

Let us suppose that we do nothing, the forecasts come true, and Social Security starts to run short in the 2040s. During the following decades, the federal government would have to dedicate 13 percent of its general revenue to pay Social Security benefits. This is not our most pressing worry.

Given the political resistance to any proposals for increasing taxes, a new president will have to consider carefully whether the first priority for new revenue in 2009 ought to be solving the speculative budgetary problems of the 2040s. A new administration might want to do something instead about the 47 million Americans who don't have any health insurance now. Or it might want to make productive investments in education, research, and infrastructure that could help keep the economy growing more than 1.8 percent a year.

And consider this: Eliminating the cap on taxable earnings in Social Security will change the relationship to the program of

people making more than \$97,500, not all of whom are plutocrats. Social Security remains a good deal for most of them because it provides income in old age that, unlike private pensions, is indexed for inflation. But take off the cap on taxable earnings and more upper-income people may start agitating for privatization.

I'm not suggesting there couldn't be some tinkering with the cap, but we already have a method for annually adjusting it. In fact, the cap went up from \$94,200 to \$97,500 in the past year under a formula established in the 1980s that sets the limit on taxable earnings on the basis of changes in average wages. When the formula was adopted, the aim was to ensure that the payroll tax would apply to 90 percent of total earnings. But because pay has become increasingly concentrated at the top, the share subject to Social Security taxes has fallen to 83 percent.

In other words, one way to solve Social Security's long-term problems is not only to grow the economy faster than 1.8 percent but to adopt policies that ensure more of the growth goes to people who aren't already rich.

Even assuming low growth and high inequality, we could close two-thirds of the projected shortfall by earmarking a reduced estate tax for Social Security and investing a portion of the Social Security trust funds in equities rather than U.S. Treasury bonds. If there is any need for increasing the wage base—and I'm not sure there is—the proposal should come from a bipartisan commission and have both parties' fingerprints on it.

A new Democratic administration is sure to get into trouble if it starts raising taxes for purposes that show no benefit to the voters. It's not brave for the Democrats to put themselves on record for a payroll tax increase—it's just plain dumb. **TAP**

— PAUL STARR

*Should the  
new president's  
first priority  
be to solve the  
speculative  
budgetary  
problems of  
2040?*



## Abolish the Air Force?!

ROBERT FARLEY SUGGESTS ["Abolish the Air Force," November 2007] that the burning question of roles and missions of the armed services can be solved by the simple answer of abolishing the independent Air Force. In treating the roles-and-missions symptom, however, Farley would let the patient die of its disease. The independent Air Force does not exist to win wars alone. Rather, the organizationally separate Air Force was built to ensure that: friendly ground forces do not come under air attack; air, space, and cyberspace capabilities are used as effectively as possible in the joint fight; enemies of the United States can feel the sting of its military power no matter where they are globally; and, those enemies are forced to fight in ways that cannot achieve decisive military success. No one service is optimized to win wars independently; that's why each unique service perspective is integrated into a joint vision for success.

DR. JAMES D. KIRAS  
Associate Professor  
USAF School of Advanced  
Air and Space Studies  
Maxwell AFB, AL

ROBERT FARLEY ARGUES for an Army-centric U.S. military just as Americans have rediscovered their distaste for open-ended ground wars. Farley wants the Army to take over most of the Air Force, with the remainder going to the Navy, largely because the Air Force hasn't supported the Army adequately in places like Iraq. [But] given America's budding aversion to Iraq-like ventures, future conflicts may look more like the air-centric campaigns in Afghanistan, Kosovo, Desert Storm, Libya, or even the Linebacker operations that set the stage for American withdrawal from Vietnam. These have all been lopsided affairs since America's most powerful rivals are unwilling to militarily challenge a U.S. that dominates the sky. Farley warns that organizations push for action that justifies their existence, and so the Air Force pushes air-centric solutions. Perhaps, but what sort of action then will a much larger Army push for, and isn't it a good thing to have an independent Air Force balancing that perspective?

IAN BRYAN, MAJOR, ANG  
USAF School of Advanced  
Air and Space Studies  
Maxwell AFB, AL

## Who's an Investor?

It is almost absurd to maintain, as does Robert Reich ["Who's To Blame for the Brave New Economy," November 2007], that the American working/middle class was democratically empowered from 1945 to 1975, lost that clout, then gained consumer power in lieu of democracy. The fact that U.S. corporations dis-

covered that they could both lower prices and increase profits by exploiting Third World workers was not driven by consumers, and moreover has actually resulted in exported jobs and lower wages. Reich also disingenuously conflates consumers and the investing class. A few dollars in a 401(k) plan hardly make for a feared investor.

JIM GRATTAN  
Atlanta, GA

## Malpractice

Dr. Jerry Avorn's excellent review of three books addressing the crisis in American health care ["Shift Happens," November 2007] omits malpractice insurance as a factor in

the cost and availability of health care. A striking example is obstetrical practice, a frequent target for litigation by parents expecting perfect babies, which so increased malpractice insurance for obstetricians that some abandoned this specialty for another. Some towns in rural Maryland have been unable to lure obstetricians because their incomes there would fail to pay the high cost of malpractice insurance.

HELEN T. SANTIAGO, PH.D.  
Media, PA

*Letters to the editor should be sent to letters@prospect.org or mailed to The Editors, The American Prospect, 2000 L St., NW, Suite 717, Washington, D.C. 20036.*

## FROM THE EXECUTIVE EDITOR

HOW IS IT, CONSTITUTIONAL LAWYER SIMON LAZARUS wonders in this month's *Prospect*, that while everybody watches the Supreme Court's every move on abortion rights, nearly everybody seems to be missing the Court's war on workers, consumers, people who breathe air, and the state and federal laws that protect them? The Court's ultra-activist right-wing majority (when Anthony Kennedy chooses to join it) invokes federal sovereignty to overturn state statutes, and states' rights to overturn federal laws, all to the advantage of business—America's rightful sovereign.

And how is it that Justices John Roberts and Samuel Alito, who swore in their confirmation hearings to be respectful of precedent and mindful of discrimination, have authored or joined decisions that stood the 1954 *Brown* ruling on its head and made it all but impossible for women to sue for pay discrimination on the job? In this issue, Sen. Edward Kennedy argues for changing Supreme Court confirmation hearings so that nominees would be compelled to state how they would rule on specific (past) cases and otherwise clarify, rather than obfuscate, what they really believe. Now is the time, Kennedy writes, for a bipartisan agreement on changing the rules of the confirmation game.

In other articles, Dana Goldstein looks at one town's efforts to close its children's racial achievement gap, I look at the Democratic presidential contest, and Tom Schaller looks at Republican moderates' political infrastructure and finds there's not much there.

— HAROLD MEYERSON

# Up Front



## THE UNIFIED FIELD THEORY OF GEORGE SOROS

**C**ONSERVATIVE PUNDITS THOUGHT THEY'D STRUCK conspiracy-theory gold when the federal government raided the Florida headquarters of WellCare Health Plans in October. The Florida Attorney General's Medicaid Fraud Control Unit was after WellCare for appearing to turn a healthy profit on ailing poor and old people. *The St. Petersburg Times* article included one line on the raid that mentioned that WellCare was a "slow-growing" company until 1992, when its owner sold it to a New York investment group led by George Soros.

Ah, blame it on George. Last summer, it was anti-Sorostic Marty Peretz attacking Soros, who has a stake in JetBlue, for that airline's flight delays. This fall, right wingers took the *St. Pete Times* piece as proof positive that America's ills can be laid at the probably cloven feet of this sinister international Jewish banker. "Welcome to George Soros's America," concluded Michelle Malkin. Never mind that Soros' company sold off all its shares last year, and that both WellCare's current chief executive and its finance director were Bush Pioneers in 2004. (In the past year, the company and its affiliates have channeled \$105,000 to the Florida Republican Party, and their PAC gave \$66,000 to federal candidates in 2006—all Republicans.) Never mind: There is evil in the world, and if George Soros isn't responsible for it, well, by every right-wing theory, he should be.

### WHAT YOU CAN'T SAY

A recent lunch at the Pew Forum on Religion & Public Life provided John Kerry with a forum to say all kinds of revealing things he felt he couldn't say during his 2004 campaign for president. Kerry Unbound believes that, when it comes to making abortion safe, legal, and rare, "rare has been missing from the debate." Kerry Unbound has problems with those who claim to be most religious but who are dismissive of the real teachings of the church on poverty and peace.

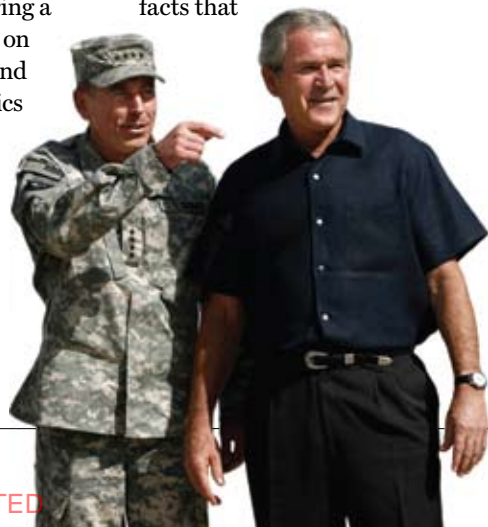
This prompted discussion moderator E.J. Dionne to ask why Kerry couldn't have given similar speeches while running for president about how, in Kerry's words, "religion has to inform who you are or you're not religious."

"The time to do it is not in the heat of the last three months of the presidential race," Kerry replied. No matter what he said during a presidential contest on the more religious and values-oriented topics he now discusses freely, he added, it would have been seen as craven. He's got a point: Thinking back to the controversy Hillary Clinton engendered in 2005 when she

called abortion "a tragic choice," Kerry's blunt assertion that there are "too many" abortions in this country every year would likely have caused months of controversy.

### WHO DID WHAT?

In an editorial in the Nov. 5 issue of *The Weekly Standard*, Fred Kagan celebrated the success of the surge, a plan he helped devise, in routing al-Qaeda from safe havens throughout Iraq. Since the surge bore no relation to the tribal revolt that has resulted in al-Qaeda's recent defeats, this is a bit like Captain Ahab claiming victory as Moby Dick lies dying of lung cancer. Truth be told, the revolt was unforeseen by any of the surge's proponents, and had begun to weaken al-Qaeda before the surge forces themselves were even in place. Then there's the conundrum that empowering Sunni militias against al-Qaeda has also undercut the U.S.' strategic goal of a unified, centrally governed Iraq. Still, allowing for the facts that





## THE QUESTION: WHOM DO YOU WANT TO BE PRESIDENT WHEN THE SPACE ALIENS ATTACK?

"Zombie Franklin D. Roosevelt: He's a proven war leader, and there's no constitutional ban on the undead."

—**Eric Rauchway**, director, Center for History, Society and Culture, U.C. Davis

"To hell with the candidates. If the aliens attack, I want Shirley MacLaine in charge."

—**Rebecca Traister**, Salon.com



"Chris Dodd: 30 years of legislative experience in Washington could be really useful at a moment like that."

—**Matt Bai**, The New York Times Magazine

it wasn't really us who did it and that what got done has a downside as well as an up: We did it!

### OLD AND WHITE AND LOOK-ALIKE

On Jan. 3, Iowans will bestir themselves from New Year's slumbers and head over to some neighbors' living room to take part in the age-old caucus procedure. The candidates will have spent more than a year talking up their love of corn, eating at local diners, and patting the heads of the state's small children, all in preparation for the day when Iowans will get the first crack at selecting a presidential candidate. That is, the 6 percent to 10 percent of Iowans who actually participate in an average caucus year. And just who are these Iowa caucus-goers whose decisions outweigh those of their fellow Americans? Well, according to the 2004 exit polls, they're white (about 95 percent of them). They're grown-up and then some (27 percent are over 65, more than twice the percentage of seniors in the U.S. population). And if that's not quite the most representative group of Americans (much less, Democrats) we could find to select our presidents, well, that's part of the reason, both ostensible and real, why some other states bumped themselves up in this year's primary parade. Unfortunately, instead of creating a

more representative electorate, what they crafted was the most chaotic calendar American politics has ever seen. We've said it before and we'll say it again: You don't have to be a New Deal nostalgic to recognize that our primary process is badly in need of genuine national planning.

### STEADY WORK

In mid-October, the pope came out for a living wage and job security. Cheapo contract labor, said Benedict XVI, is one of our times' "ethical and social emergencies capable of undermining the stability [of society] and seriously compromising

its future" since it does "not permit young people to build a family." The Church, of course, has long been cool to laissez-faire capitalism, which is one reason why Europe's Old Right has the economics of America's Old Left. And if the pope isn't an authority on job security, who is?

### PARODY by T. A. Frank

**"Well, there are public-health benefits to climate change, as well."**

—*White House Press Secretary Dana Perino*

#### GAME:

Identify which global-warming benefits are direct quotations about the benefits of global warming from articles by Thomas Gale Moore, author of *Climate of Fear: Why We Shouldn't Worry About Global Warming*, and which are quotations about the benefits of global warming from T.A. Frank, author of *Climate of Fear: Why Polar Bears Frighten Me and Must Go*.

#### BENEFITS OF GLOBAL WARMING:

1. "reduced outlays for clothing"
2. "realizing the goal of no more fur-based coats, and no more fur-based animals"
3. "less snow shoveling"
4. "welcome eradication of 'snow penis' sculptures"
5. "fewer days of driving on icy roads"
6. "fewer 'sled rage' incidents"
7. "might reduce medical costs by about \$20 billion annually"
8. "might reduce medical costs by \$4 trillion, make that \$4 zillion, annually"
9. "Plant life would become more vigorous."
10. "Texas would be flooded, scorched, and possibly removed from the map altogether."
11. "more food for animals and humans"
12. "Inuit housing oversupply would naturally evaporate."
13. "Retirees, at least, find that higher temperatures improve their welfare."
14. "Goodbye, little sheep. Goodbye."
15. "Plants will do better in a CO<sub>2</sub>-rich environment."
16. "an overdue penguin inferno"
17. "People prefer warm climates."
18. "I like redheads."
19. "would cut the number of deaths in the U.S. by about 40,000 per year"
20. "might kill off the Togolese once and for all"

ANSWER KEY: ODD NUMBERS, THOMAS GALE MOORE; EVEN NUMBERS, T.A. FRANK

# Look Back in Awe

BY MARK SCHMITT

**D**EMOCRATS AND REPUBLICANS ARE ALIKE IN ONE respect, according to the libertarian writer Brink Lindsey: their shared nostalgia for the 1950s. Except, he says, “Republicans want to go home to the United States of the 1950s, while Democrats want to work there.”

Indeed, from television (where *Mad Men* has faithfully recreated the furnishings, boozy smell, and chronic sexual dishonesty of the New York executive suite circa 1960), to the celebrated 50th anniversary of Jack Kerouac’s *On the Road*, to the current political debate, we seem to be awash in 1950s nostalgia. While most of the Republican presidential candidates have life experiences more reminiscent of *The Ice Storm* than *The Man in the Gray Flannel Suit*, all invoke a vision of the patriarchal, orderly family of post-World War II suburban fantasy. And in their approaches to the world, all recreate that combination of belligerent, can-do triumphalism with mortal terror not seen since the decade of duck-and-cover drills, before Vietnam stripped away the triumphalism and the end of Communism alleviated the fear.

But even baby boom liberals who spent their youth in rebellion against the tranquilized 1950s have become homesick for its virtues. Ninety-one percent tax rates! Unions! Declining income inequality! Working people in nice big houses. What’s to protest?

To be fair, and not just because the founding editors of this magazine are prominent among those calling attention to the virtues of the 1950s economic order, they are hardly calling for a return to Eisenhower’s America, with its stifling conformist culture, cruel sexism, and tiny half steps toward racial justice.

Rather, Paul Krugman, Bob Kuttner,

and Bob Reich (in their recent books) and the MIT economists Frank Levy and Peter Temin in a recent paper, “Inequality and Institutions in Twentieth-Century America,” use the 1950s and 1960s to show what’s possible. Their argument is a necessary reproach to the likes of Thomas Friedman, who view us as passive little boats swept along on waves of globalization, insisting that we accept all the inequality and disruption that goes along with that because the alternative is global stagnation. It’s vital to understand that there was a time when great prosperity and greater equality not only co-existed but were taken for granted. And that it was political institutions and choices that made shared prosperity possible: Greater bargaining power in the hands of workers. A robust social safety net. A government that invested in infrastructure and in individuals, through the GI Bill and federal mortgage insurance programs. Manufacturing wages adequate for one worker to support a family. A corporate culture of stewardship rather than short-term profits.

All of this is true, but it begs the question: Could we really just work in the 1950s without having to live there, too? Or were the circumstances that created the great middle-class nation unique to that

moment of postwar economic hegemony?

The answer is that this prosperous nation can surely recreate the broadly shared well-being of the postwar era, but not always in the same way. The institutions and political choices of the postwar era can be a little misleading as models because many of them were relatively painless, and almost invisible. For example, Levy and Temin attribute the decline of inequality in the 1950s largely to what they call “The Treaty of Detroit,” referring to the generous pattern-bargaining agreements between Walter Reuther’s United Auto Workers and the auto companies, which among other things launched our employer-based health insurance system. Better labor laws enabled that deal but did not create it. It was a bargain of economic abundance, in which labor’s bargaining power was matched by GM’s smug invincibility. As we’ve seen in more recent auto-industry negotiations, unions can no longer treat many employers as fixed pools of profit, from which to extract as much money as possible. Rather, they understand themselves as co-dependents in the company’s effort to stay afloat and meet the demands of shareholders.

That’s why every Democratic candidate for president understands that the only way to ensure health coverage now

*Creating economic security today will require a much bigger role for government than it did in the 1950s.*

would be to shift some or all of the responsibility from employers to government, through subsidies or public programs. But that’s part of a bigger trend, and the difference between our time and the 1950s is that reducing inequality and recreating economic security for families today will require a social contract that has

a much bigger role for government, as a provider of subsidies, social insurance, job-creating public investment, and training. All that is possible, but it will call for a much more explicit and vigorous political fight than in the Eisenhower era, a fight over the line between public and private that is bigger than we can imagine. **TAP**



# This Is Murder?

BY SARAH BLUSTAIN

**T**HERE'S NO DOUBT THAT 30-YEAR-OLD THERESA Hernandez has had her troubles. An intermittent user of methamphetamines, she had her 32-week pregnancy end in April 2004 with the birth of a stillborn boy.

But “troubles” doesn’t begin to describe what came next:

Doctors told police her stillborn baby had tested positive for meth, and that September Hernandez was charged with first- and second-degree murder, both based on child abuse. It was the first time in Oklahoma history that a woman had ever been prosecuted for murder after suffering a stillbirth—despite the absence of evidence tying meth use to prematurity or stillbirth.

The situation got even worse. Hernandez’s public defender recommended that she accept a 25-year plea bargain—despite the fact that Oklahoma has no laws under which she might have been convicted of murder. Hernandez refused, and spent three years in jail awaiting a resolution to her case. This September Hernandez accepted a plea of second-degree murder; her sentencing, which the judge has said will be for no more than 15 years, is scheduled for Dec. 21. Advocates are agitating for leniency.

In the words of Lynn Paltrow, a woman’s rights advocate involved in the case, Hernandez was “an innocent woman pleading guilty to a nonexistent crime.” Innocent, you wonder? Guilty, clearly, of taking illegal drugs. And of killing her child? Though long-term, government-funded studies of meth have not yet been completed, there is to date no research associating meth use with stillbirth. Indeed, long-term studies of those infamous crack babies has found that their *in utero* drug exposure led to some behavioral problems, but not to the grotesque

abnormalities predicted in the 1980s. And of killing her child *in the first degree*? In this century we also know enough about addiction to understand that addiction comes bundled with a host of other problems that require treatment, not arrest.

Still, despite these advances in understanding, Hernandez’s case is not unique. According to a survey that will be released in 2008 by Paltrow’s organization, the National Advocates for Pregnant Women, over the last 30 years hundreds of pregnant women have been arrested for abuse, neglect, or murder of their fetuses. In South Carolina, scores of pregnant women caught abusing substances have been prosecuted for child abuse and neglect, and the first woman convicted of murdering her unborn by virtue of her drug use, Regina McKnight, is serving a 12-year sentence for suffering a premature stillbirth, despite evidence that the baby died from other causes. This October another South Carolina woman, Lorraine Patrick, was charged with homicide after she went into labor at 23 weeks and gave birth to a girl who died four days later; she and the baby tested positive for cocaine.

These prosecutions are clearly the offspring of the crack-babies craze of the

1980s, paired, equally clearly, with the application of fetal-rights laws around the country. If a fetus is considered a “child in utero” (language from the 2004 Unborn Victims of Violence Act) and an independent victim of murder, how much imagination would it take for an aggressive district attorney to suggest that a pregnant woman using drugs is assaulting, or killing, her own child? No legislature has enacted laws to this effect. (South Carolina’s orgy of prosecutions is the result of judicial decisions.) And more than 20 appellate courts have struck these arrests down. And yet they continue, and women serve time for nonexistent crimes.

Of course, humane people agree as to our obligation to protect the unborn. But these arrests don’t do that: Researchers have documented that taking a punitive approach to drug use among pregnant women, rather than inspiring them to get clean, actually scares them away from prenatal treatment.

And what of the mother? Do the responsibilities she has in carrying a child absolve us of the responsibility to grant her certain protections and rights? Like the right to be jailed only for an actual

*Do a pregnant woman’s responsibilities in carrying a child strip her of her right to be jailed only for an actual crime?*

crime or the right to be convicted on actual evidence? And what about the expectation, though not a right, of social supports, for poverty or drug addiction? These supports are part of our social compact, and we owe them equally, or doubly, to pregnant women. The guilty pleas most of the arrested women have entered in these cases create no legal precedent, but, says Paltrow, the more general precedent that’s

being set is “that a fetus is a person to be provided with a perfect environment by the pregnant woman—even though [the pregnant woman] is not entitled to one.”

It is possible to help both mother and fetus. But not if a troubled woman is considered a demon, or a walking womb. **TAP**

# How Hillary's Done It—So Far

*Thanks to her sure-footedness, her rivals' mistakes, and diminishing Democratic divisions, she's built a commanding lead. But we haven't heard from Iowa yet.*

BY HAROLD MEYERSON

**I**F THE ZEITGEIST WERE ALL, BARACK OBAMA WOULD BE winning the contest for the Democratic presidential nomination. Every poll shows record numbers of Americans despairing of their nation's direction and clamoring for change. Two surveys conducted in late October, one for ABC News and *The Washington Post*, the other for the Stan Greenberg-James Carville group, Democracy Corps, showed that just under three-quarters of Americans think the nation is on the wrong track, while just under one-quarter believe things are going in the right direction. As the voters see it, the Republicans are chiefly to blame. On one crucial issue after another, and in the partisan identification of voters, the Democrats' advantage over the Republicans continues to grow. The incumbent Republican president has an approval rating worthy of a disease.

At first glance, then, this should be the Obama moment. He is, among his fellow candidates, uniquely innocent of our past sins. No other candidate personifies change so viscerally and completely; no other candidate promises an end to the era of hyper-partisanship that vexes millions of Americans; no other candidate could so instantly dispel the disrepute into which America has fallen across the globe.

Or, if not Obama, then surely John Edwards should be the beneficiary of the public's profound dissatisfaction with the increasingly misshapen American economy. When the Democracy Corps followed up among those respondents who said that the nation was on the wrong track, it found that both Democrats and independents were particularly dissatisfied by the power of big business and the disinclination of government to do something—*anything*—for Americans' beleaguered middle class.

Within the presidential field, Edwards alone has waged an anti-plutocratic, help-the-middle-class campaign. No other candidates have been so explicit or far-reaching in their commitment to help unions rebuild, or in their opposition to trade deals that advantage banks and corporations over workers.

There are, to be sure, some elements of the zeitgeist that have worked to Hillary Clinton's advantage. George W. Bush has given zeal, impulse, ideology, and incaution a bad name; he has, by omission, demonstrated the need for expertise, experience, real-

ism, mastery of government, and simple competence. Nonetheless, a season defined by a yearning for wholesale change, for an end to the Iraq War, and for moderation of partisanship without progress—you would not think this would be Clinton's time.

And yet, manifestly, it is. The caucus-goers of Iowa still have time to alter that equation, of course, but so great is Clinton's lead—nationally, as of late October, she was commanding roughly 50 percent support in most polls, leading Obama by a 2-to-1 margin and Edwards by 4-to-1—that Iowa is shaping up not just as Obama's and Edwards' first chance to derail the Hillary Express but quite possibly their last. If Clinton wins Iowa, it's hard to imagine where or how her rivals could stop her.

Remarkably, Clinton has widened her lead by winning over the very voters whom Obama and Edwards had reason to think would be theirs. Looking at the ABC/*Washington Post* polls for 2007, Clinton's support among moderate and conservative Democrats has held steady: She had 44 percent support among them in February, and 46 percent in October. Among Democratic liberals, though, her support has jumped from 40 percent earlier in the year to 54 percent in October. Obama, meanwhile, has seen his support among liberals decline from 36 percent in midsummer to 25 percent in October. And among Democrats who favor an immediate withdrawal from Iraq, Clinton holds a commanding lead over Obama, 45 percent to 26 percent.

So the candidate of the Democratic establishment, who voted for the resolution authorizing the war in Iraq and, more recently, for a resolution that Bush might invoke to justify war in Iran, has become the clear front-runner in a party screaming for change and peace. That Clinton has managed to pull this off is a tribute to the strategic and tactical brilliance of her campaign, and to the mistakes, misfortunes, and limitations of her rivals'. It is also a tribute to the fact that the divisions among Democrats these days just ain't what they used to be.

Clinton began the year under pressure to renounce her 2002 vote authorizing the war in Iraq. She never did, but by calling for the withdrawal of the vast majority of U.S. forces from Iraq, she made it all but impossible for Democratic voters to distinguish her position from Edwards' and Obama's. On big-ticket domestic issues like health care and energy, she

has proposed policies as, if not more, progressive than those of the other leading Democrats.

In short, she hasn't left Obama and Edwards with all that much to attack, at least by the historic standards of Democratic presidential primaries. That's not to say that there aren't real differences among the candidates. I would trust Edwards to fund needed social and infrastructure investments far more than I would Clinton (or Obama); I would trust Obama to clean up campaign finance far more than I would Clinton. But on the front-burner issues, the only area where Clinton has truly opened herself to attack is her vote labeling the Iranian Revolutionary Guard a terrorist organization.

Edwards and Obama, of course, would have to make something of this—something that they have yet to do on any major issue. When it comes to attacking, Obama has an instinct for the capillary. He is a man for synthesis, not differentiation; you want him on your side before and after a fight, though not necessarily during it. (With Clinton, apparently, the time to be wary is before the fight, as her votes on Iraq and Iran make clear.) Edwards, by contrast, knows where to find the artery, though the odds are that his attacks in Iowa may end up helping Obama more than they help him—if they help either of them at all.

Obama, in particular, is the candidate who has failed to help himself. A candidate of freshness has to be a fount of new ideas, and on domestic policy, Obama's campaign has been bewilderingly timid. (His health-care plan, for instance, does not propose universal coverage, as Clinton's and Edwards' do.) On foreign policy he has offered some bold ideas—most recently, his commitment to negotiating with Iran—though whether he has the ability to contrast this sharply with Clinton's Iran vote is open to doubt.

More generally, Obama has needed to build on his early advantage among younger voters and college-educated professionals by bolstering his thoughtful image with some breakthrough proposals; and he's needed to win over more working-class Democrats by conveying a surer sense of advocacy on their behalf. He's done neither, a sin of omission that has directly benefited Clinton: He has steadily declined in polls of Democratic college graduates, and of young people, as Clinton has steadily risen. Obama's caution has also heightened the one distinction between him and Clinton that has always worked in her favor: the experience gap. With each debate, at least until the one in Philadelphia, she seemed the candidate who could more plausibly stand up to Rudy Giuliani—and to foreign adversaries, too.

But the story of the campaign, so far, isn't simply the transfer of many Democrats' support from Obama's column to Clinton's. It's also the inability of Edwards to capture any of that shift. Some of Edwards' problem has been beyond his control: He is running against two

demographic breakthrough candidates, two major candidates who are making history simply by being major candidates. He is also running a populist campaign, raising themes and defending Americans that most of the media are disinclined to take seriously. (Unions do take them seriously, but many have shied from endorsing him because he's trailing in the polls.) But the ability of Clinton to co-opt just enough of his themes has proven his most formidable impediment. She has stolen some of his thunder on domestic issues as, even more remarkably, she has stolen some of Obama's on foreign policy.

Clinton's ability to co-opt issues is a tribute to her political adeptness, but it is also a consequence of the fact that this is a time of Democratic cohesion. In Congress, Democrats are voting the party line more than ever before. Everyone is for universal health coverage; everyone (except Joe Lieberman) is against the Bush-neoconservative foreign policy. Real intra-party differences on trade and other issues remain, but the pitched battles and opposing armies that defined the party in decades past are nowhere to be seen.

Instead, the real differences in American politics are those between the parties, not within them. That means that the key to enacting universal health insurance or labor law reform isn't whether Edwards or Clinton is president, though Edwards' commitment to creating a fairer labor law exceeds his rivals'. Rather, the fate of such measures depends on having a Democratic president, *any* Democratic president, and picking

## She's played 2007 very well, but the year isn't over yet.

up enough Democratic senators in 2008 to break Republican filibusters.

No one can predict which Democratic presidential candidate is likely to bring in the most new Democratic senators in his or her wake. In some states,

Clinton could certainly be a drag on down-ticket candidates, but at this juncture, who can say if she'd be better or worse than Obama? At the same time, if Democratic voters, like Democratic bloggers, are looking for a candidate tough enough to withstand the forthcoming Republican swift-boating, Clinton certainly has enhanced her credentials on that score.

Clinton has played 2007 very well, but the year isn't over yet. Her vote on Iran, and her pirouettes on the issue of driver's licenses for undocumented immigrants, could reinforce the perception that she's too smart by half, too calculating, too triangulating, too—well, Clintonian. If Obama or Edwards can make this charge stick over the next two months, we may yet have a race. So far, they haven't even come close. **TAP**





# The Supreme Court's Wrong Turn—And How To Correct It

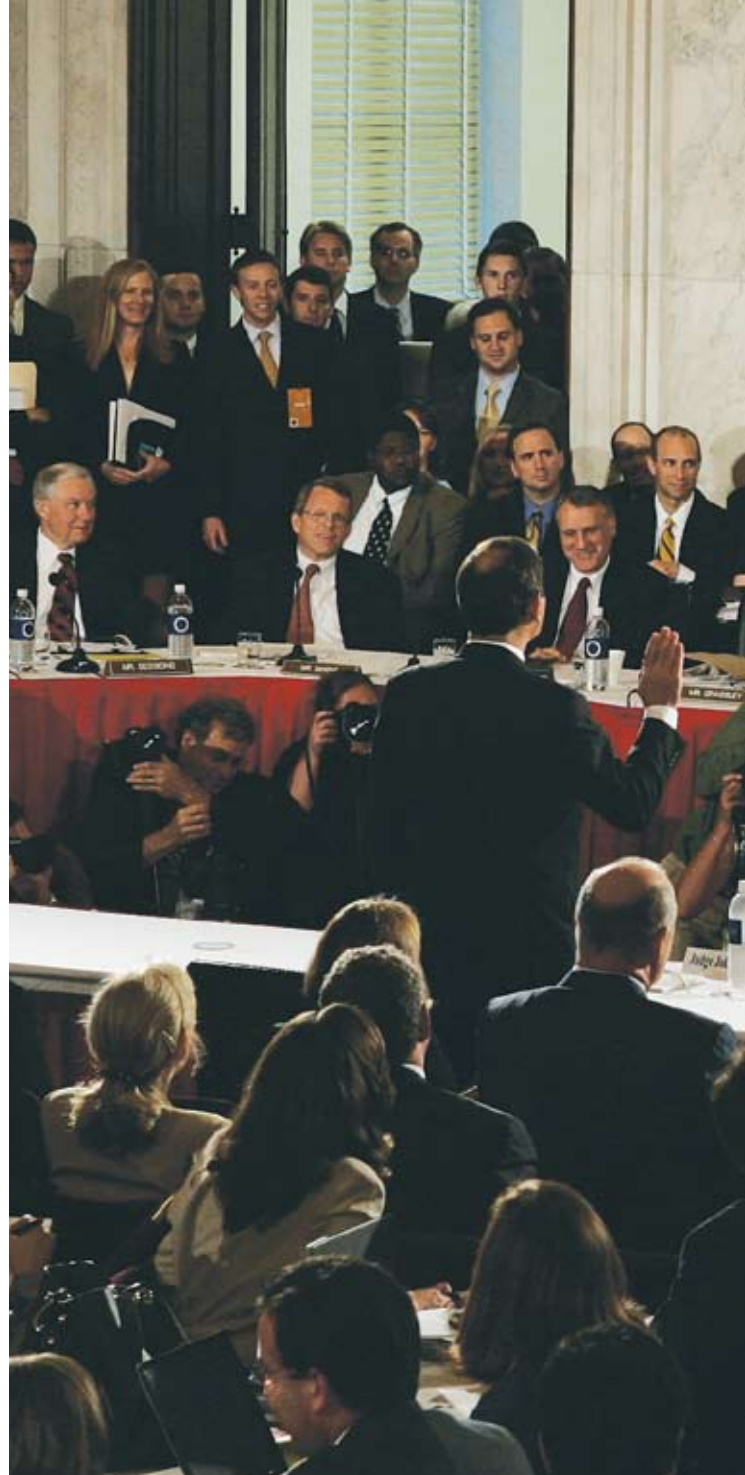
*After posing as moderates in their confirmation hearings, Justices Roberts and Alito have moved the Court radically to the right. Henceforth, we should compel nominees to state how they would have ruled on specific cases, and why.*

BY SENATOR EDWARD M. KENNEDY

**L**AST MAY, THE SUPREME COURT FACED A TEXTBOOK case of pay discrimination. Lilly Ledbetter was one of a few women supervisors working at a Goodyear Tire and Rubber Company plant in Gadsden, Alabama, and she remained at the plant despite her bosses' bias against women. One even told her that "the plant did not need women," that women "caused problems." For almost two decades, the company systematically downgraded her performance evaluations to pay her less than male colleagues who performed the same duties. Her pay eventually fell 15 percent to 40 percent behind her male counterparts.

In 2003 a jury found that Ms. Ledbetter was paid less because she is a woman, and she was awarded full damages to correct the injustice. But in a 5-4 opinion, the Supreme Court held that Ms. Ledbetter was entitled to nothing at all. The majority ruled that she should have filed her case within a few months after the employer decided to pay her less than her male coworkers. Never mind that she had no way of knowing what other workers made, or that the discrimination continued with each paycheck. Justice Ruth Bader Ginsburg, the sole female justice, observed in dissent: "The Court does not comprehend, or is indifferent to, the insidious way in which women can be victims of pay discrimination."

Unfortunately, the *Ledbetter* case is just one example of the



Supreme Court's dangerous new direction since the additions of Chief Justice John Roberts and Justice Samuel Alito. It is vital that Americans understand how profoundly the newest justices are affecting the Court, and how their confirmation hearings failed to anticipate these developments. Whether or not it was possible to prevent confirmation of the president's Supreme Court nominees by a Republican-controlled Senate, the confirmation hearings should, at the very least, have informed the public about the nominees' views on the pressing legal issues of our time. Their failure to do so makes clear that the Senate needs to reform the process by which it considers Supreme Court nominees.



### LOOKING BACK

As we enter the third year of the lifetime appointments of Roberts and Alito to the Court, it is clear that their approach to judging mocks the commitment to open-mindedness, modesty, and compassion that they professed during their confirmation hearings. President Bush had openly expressed his desire to select judges who would satisfy the most radical voices in his political base. We now know that the president got exactly what he wanted.

For two judges who repeatedly proclaimed in their confirmation hearings that they would bring no ideological agenda to the job and would decide cases with an “open mind,” Roberts

and Alito have turned out to be remarkably like-minded. They voted together in 92 percent of non-unanimous cases in the 2006–2007 term—the highest rate of agreement of any two justices, edging out Antonin Scalia’s and Clarence Thomas’ 91 percent rate. In the previous term, Roberts and Alito voted together 88 percent of the time in non-unanimous cases.

For two judges who repeatedly proclaimed the need for judicial “modesty,” Roberts and Alito have turned out to be remarkably aggressive in overturning doctrines and statutes. Their disdain for precedent led Justice Stephen Breyer to recently

### But Were His Fingers Crossed?

John Roberts is sworn in at his 2005 confirmation hearing by Sen. Arlen Specter.



observe, “It is not often in the law that so few have so quickly changed so much.” Justice Scalia appeared to share this view. When Roberts claimed that a recent opinion involved only a modest change in the law, Scalia responded, “This faux judicial restraint is judicial obfuscation.”

And for two judges who repeatedly proclaimed a concern for the real-world impact of their decisions, Alito and Roberts have turned out to be remarkably blinded to the plight of America’s most vulnerable. Over and over again, they’ve voted to narrow core rights and freedoms of the American people, and to expand the power of corporations and the executive branch.

A few examples from the previous Supreme Court term show how the confirmation hearings elicited only platitudes, and thereby allowed the nominees to evade consideration of their views on the concrete legal issues likely to come before the Court. In the case of Lilly Ledbetter, the votes by Roberts and Alito to deprive her of a remedy for pay discrimination seem surprising in light of their testimony. In response to questions about protecting minorities and the powerless, Roberts claimed that he had “argued for broader protection of civil rights on many occasions,” and stressed that as a litigator he had “argued on both sides of [the affirmative action] issue.” Alito told the Committee that “the judicial process has to be attentive to the fact that discrimination exists and, today, a lot of it’s driven underground.”

At their confirmation hearings, Roberts and Alito were asked repeatedly by senators on both sides of the aisle about their views on abortion. They assured the committee that they would follow Supreme Court precedents, but they refused to discuss in any detail how such precedents ought to be applied, or even to say whether they believed that *Roe v. Wade* and later cases interpreting it had been correctly decided. Soon after joining the Court, both justices cast aside recent precedent, voting to uphold a federal law banning a procedure for late-term abortions that was virtually identical to a law the Court had struck down in 2000. The opinion joined by Roberts and Alito adopted the assumption—which has been refuted by empirical evidence—that women should be prevented from making certain abortion decisions because they often come to regret those decisions later. This paternalistic argument has opened the door for further incursions into *Roe v. Wade*.

The recurring statements by Roberts and Alito during their confirmation hearings that they would respect precedent also conflict with their votes in *FEC v. Wisconsin Right to Life*, a 5-4 decision that struck down a key provision of the McCain-Feingold campaign finance law regulating issue ads. This ruling essentially reversed a precedent that was only four years old. The Court’s sharp reversal significantly hinders the ability of Congress to rein in runaway political spending, which has left many Americans disillusioned about the state of our democracy.

Roberts and Alito also provided the decisive votes in cases

limiting the basic rights of criminal defendants. In *Bowles v. Russell*, the Court rejected as untimely the appeal of a man facing 15 years in prison, even though he had filed his claim late only because he had relied on the word of a federal judge, who had mistakenly provided an incorrect deadline. As Justice David Souter said of this display of bureaucratic inhumanity, “It is intolerable for the judicial system to treat people this way, and there is not even a technical justification for condoning this bait and switch.”

Yet when Roberts was asked about criminal sentencing during the confirmation process, he said that “no American—and certainly no judge—welcomes the fact that among the more than one million criminal convictions handed down yearly in the United States, some are erroneous,” adding that “it is the role of judges in both the state and federal systems to be constantly vigilant in guarding against wrongful convictions.” Likewise, Alito affirmed that preventing the conviction of an innocent person is “one of the most fundamental rights protected by our Constitution.” These statements are difficult to reconcile with both Roberts’ and Alito’s refusal to consider the claim of a man whose appeal was filed late because of a federal trial judge’s mistake, and with their votes

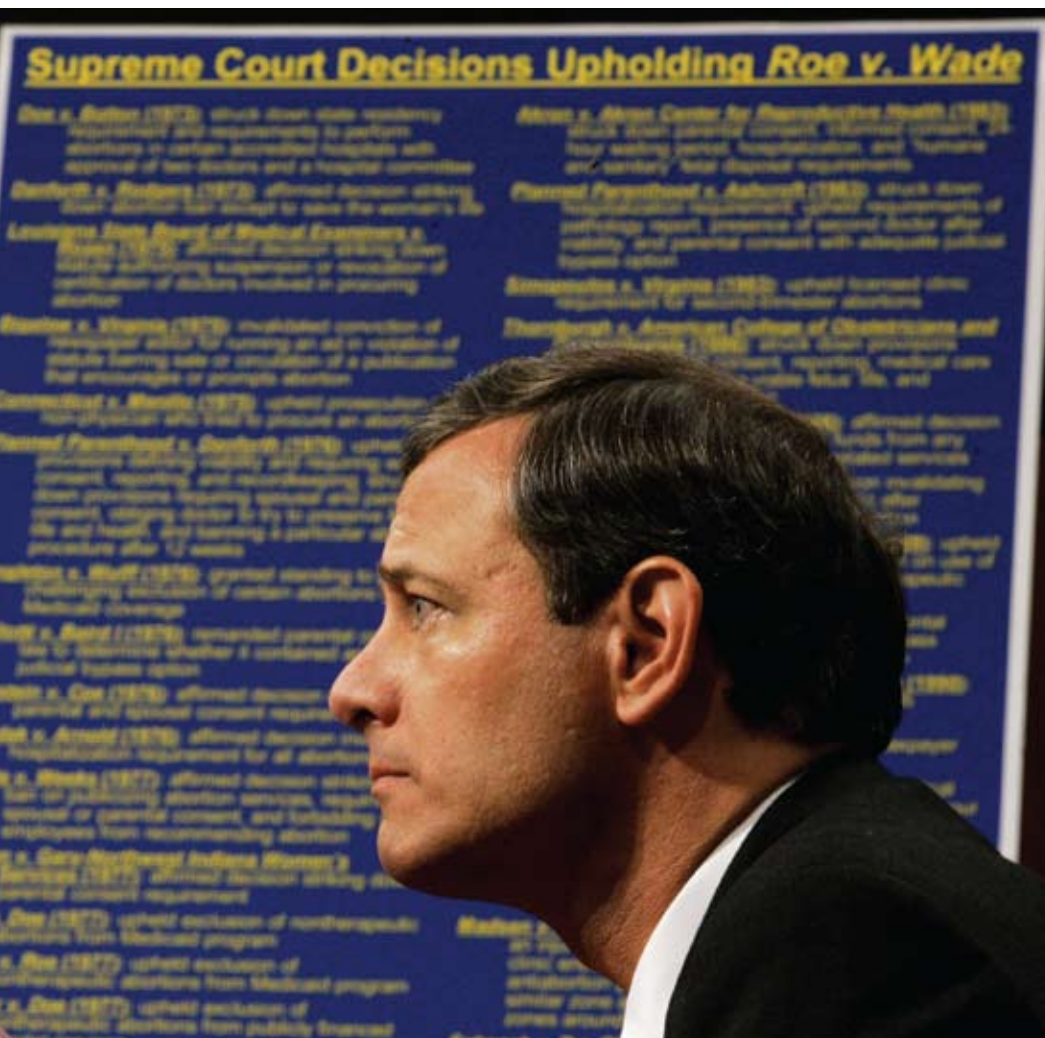
## For two judges who advocated judicial “modesty,” Roberts and Alito have been very aggressive in overturning doctrines and statutes.

against defendants in every one of the 2006–2007 term’s non-unanimous criminal cases.

Perhaps the clearest indication of the ideological bent of Roberts and Alito came in the final decision of the term, *Parents Involved in Community Schools v. Seattle School District No. 1*, a case testing the constitutionality of the use of race in voluntary desegregation programs in Seattle, Washington, and Jefferson County, Kentucky. School boards in these districts had adopted voluntary integration plans to achieve diverse educational environments and prevent the harms of segregated schools. Turning *Brown v. Board of Education* on its head, the Court equated these racially inclusive plans with the racially oppressive policies of Jim Crow, declaring them unconstitutional. Even more troubling, although a majority of the Court recognized that school boards and communities may take race into account when necessary to achieve integration, Roberts and Alito disagreed.

The views of Roberts and Alito in the desegregation case stand in stark contrast to their testimony at their confirmation hearings. When he testified before the Senate Judiciary Committee, Roberts was asked whether he believed that the Supreme Court in *Brown v. Board of Education* properly based its decision on “the real world consideration of the role of public education at the time of its decision.” He responded that “you have to look at the discrimination in the context in which it is occurring.” He explained that *Brown* held that “the act of separation is what constituted the discrimination.” Roberts





**Precedent? What's That?** Roberts, shown at his confirmation hearing, has already voted to curtail abortion rights.

the problem. Thus, in response to the *Ledbetter* case, a number of us in the Senate are sponsoring the bipartisan Fair Pay Restoration Act, which will restore the ability of employees to challenge ongoing pay discrimination within a reasonable time after receiving a discriminatory paycheck. Similar legislation has already passed the House.

What is needed most, though, is a longer-term solution: reforming the Supreme Court confirmation process. If there is one central lesson to be learned from the Roberts and Alito hearings, it is that general platitudes are no substitute for concrete statements about a nominee's constitutional views. The Senate should require more from Supreme Court nominees.

The stakes could hardly be higher. Because every Supreme Court term raises profound and controversial legal questions, every appointment to the Court has immense consequences for

also heartily agreed with my statement that “having a diverse society where everyone has an equal chance to participate is an American value and is fundamental to the strength of our society.” Alito likewise praised *Brown* and the diversity of students in the law school classes he taught.

Yet Roberts' opinion in *Parents Involved* completely ignored these principles. There was no detailed discussion of the racially segregated housing patterns that made segregated schools inevitable without action by the school districts. Also lacking was any serious description of the harm to minority children in racially segregated schools, although that harm was described extensively in the record and in amicus briefs submitted to the Court. Indeed, the inability to distinguish between the evils of forced segregation and the benefits of voluntary integration makes Roberts' pledge to consider the real-world context of discrimination ring hollow.

#### LOOKING FORWARD

While it is important to appreciate just how alarming the previous Supreme Court term was, it is more important to identify constructive steps that can be taken in the months ahead. Certainly, where the Court has misinterpreted the intent of congressional statutes, Congress can act to correct

our nation—not just on hot-button social issues such as abortion and affirmative action, but also on issues of workers' rights, civil rights and civil liberties, health care, the environment, consumer safety, and the limits of executive power, to name just a few.

Because the stakes are so high, I believe it is a defect in our judicial confirmation system that nominees can be confirmed to the Court without ever telling Americans what they think about the most pressing legal issues of our time. By this standard, the Roberts and Alito confirmation hearings were a failure. The White House concealed information about its nominees and insisted that the Senate confine its inquiry to their personal qualities. Many Republican senators used their time to praise the nominees, rather than to probe their legal philosophies. When faced with more pointed questions, Roberts and Alito stonewalled. On several critical issues, they refused to answer except in the most general terms, stating that it would be improper for them to discuss issues that might come before them when on the bench.

All of this is backward. The White House should be forthcoming about the beliefs of the candidates it puts forward. After all, those beliefs were the principal reason the president selected them. The Senate should ask tough questions about the nominees' constitutional views, and the nominees should

answer them. Senators on both sides of the aisle should agree that, at a minimum, nominees must give full and forthright responses when asked about their legal views.

Supreme Court nominees like Roberts and Alito, however, have drawn a line in the sand and refused to answer these questions. To do so, they claim, would compromise their duty to decide every case with an open mind. This argument was designed to give an air of nobility to the nominees' refusal to answer reasonable questions posed by the Judiciary Committee. The reality is that political convenience, not principle, motivated much of this rhetoric. Legal scholars increasingly agree that judicial nominees can be candid about their views on many issues without doing damage to the judicial system or the rights of future litigants. All nominees to the Supreme Court should have spent many years thinking deeply about legal issues. To keep the American people in the dark about that thinking is not noble; it is a violation of our constitutional design and our democratic principles. It prevents the Senate from carrying out its constitutional obligation to evaluate Supreme Court candidates.

As former Chief Justice William Rehnquist once wrote, "It

way, the Senate and the public need to know how a nominee is likely to decide them.

Nor should nominees who previously served as high-ranking government officials, as Roberts and Alito did, be able to get away with claiming they were just "representing a client" when asked about advice they gave as legal policy-makers. It is fair to ask whether they personally agree with the legal positions they advocated in their prior roles.

If senators can agree that obtaining a detailed explanation of nominees' legal views is the goal of the confirmation process, it should be possible to adopt procedural reforms to support that goal. The Senate should insist on having the same access as the administration does to the nominees' writings and other relevant documents, and it should receive those records before the confirmation hearing begins. Each member of the Judiciary Committee should have the right to submit a limited number of written questions to the nominee, which the nominee must answer in writing under oath *before* the confirmation hearings. The Judiciary Committee might also consider allowing longer rounds of questions at the hearings to permit more in-depth dialogue.

While many procedural reforms could improve the Senate's ability to elicit the information so important to the public, the single most fundamental change will require only a bit of honesty.

## Now, when there is no nomination imminent and it is unclear who will make the next one, the parties should work together for reform.

would be not merely unusual, but extraordinary, if [Supreme Court nominees] had not at least given opinions as to constitutional issues in their previous legal careers. Proof that a Justice's mind at the time he joined the Court was a complete *tabula rasa* in the area of constitutional adjudication would be evidence of lack of qualification, not lack of bias." In fact, a recent decision by Scalia, in *Republican Party of Minnesota v. White*, affirmed that judges who run for office are free to announce their views on controversial legal and political issues, without prejudicing their role in deciding those issues from the bench.

We know from their past decisions how all of the current justices interpret *Roe v. Wade*, yet they are not precluded from sitting on future cases involving abortion. Why shouldn't we also learn how Supreme Court nominees view that decision and other important cases? If all nominees were expected to answer these questions, the White House would no longer seek out "stealth" nominees whose views are largely unknown.

To protect the independence and autonomy of the courts, questions addressed to specific pending or future cases should be avoided. But there is no good reason for nominees to refuse to state how they would have voted in cases the Supreme Court has already decided. The facts, briefs, and oral arguments from those cases are all a matter of public record. Questions about decided cases should be at the heart of confirmation hearings, because they provide the most concrete information available about what kind of justice the nominee will be. Judges decide real cases. To be able to evaluate nominees in a meaningful

Everyone should acknowledge that it does not compromise the integrity or impartiality of the judiciary to require nominees to tell the Senate what they think about specific legal issues.

It is no exaggeration to say that the next Supreme Court appointee will have a decisive role in shaping the law on abortion, affirmative action, campaign finance, federalism, and countless other matters. Regardless of the outcome, Americans have a right to learn how a nominee views the law before it is too late. After posing as moderates in their confirmation hearings, extremist justices have moved the Supreme Court far to the right of the American mainstream. I have participated in 23 hearings on nominations to the Court, and the Roberts and Alito hearings stand out for their failure to illuminate the substance of the nominee's legal views.

The next Supreme Court justice may well be nominated by a Democratic president and sent to a Democratic Senate for confirmation. But the need for reform transcends party politics, and now—when there is no nomination on the horizon and it is unclear who will make the next nomination—is an opportune time for the parties to work together for reform.

Democracy and the Constitution are poorly served by silence and secrecy. Many steps can be taken to repair our system for nominating and confirming Supreme Court justices, but the most basic step is to demand a more searching and honest process. **TAP**

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*Senator Edward M. Kennedy has represented Massachusetts in the United States Senate for 45 years.*

# Repealing the 20th Century

*While everyone focuses on its abortion decisions, the Roberts Court is merrily revoking a century of legislation protecting citizens, consumers, workers, and minorities against business.*

BY SIMON LAZARUS

**W**HEN MOST AMERICANS THINK ABOUT THE Supreme Court's effect on the life of their nation, they think about such cultural hot-buttons as abortion, or due process for terrorists, or free speech and pornography. They don't think about the Court's effect on the issues that most directly affect the majority of them on a daily basis—health and retirement security, workplace fairness and equal opportunity, consumer protection and product safety.

Since these pocketbook matters do not roil culture-war sensitivities or raise constitutional questions, the press, public, and politicians pay little or no heed when they come before the Court. Nor, with few exceptions, do liberal advocacy groups—even though landmark laws they fought to enact are at risk, and even though constituencies they purport to represent have much reason to care about how those laws will fare in the hands of the Roberts Court. Indeed, while right-wing groups still make political hay by railing at “liberal activist” judges, progressive groups often pay scant attention to the conservative-activist threat to judicially repeal the economic protections that Congress and state legislatures have enacted since the New Deal.

The current Supreme Court term, however, could yield some historic decisions that do just that. For the past two decades the Rehnquist Court narrowed the scope of economic-security safeguards, insulated federal and state officials from accountability for maladministration of those laws, and obstructed citizens' access to legislatively guaranteed benefits and protections. Earlier this year, in its notorious May 2007 *Ledbetter v. Goodyear Tire & Rubber* decision, a 5-4 majority on the Roberts Court gutted the 1964 Civil Rights Act guarantee of equal pay opportunity. Now, cases to be decided during the Court's new term will provide clues as to whether the Roberts Court intends to launch an even more aggressive campaign to dismantle 20th-century progressive reforms and abort similar 21st-century initiatives.

The weightiest such items on the Court's 2007–2008 agenda are two cases affecting legal guarantees of health and retirement security. These cases, one already docketed and one the subject of an as-yet unanswered petition for review, will test whether the Roberts Court will expand Rehnquist Court doc-

trines that have stripped workers and retirees of remedies for abuse by employers, health maintenance organizations (HMOs), and entities that administer their health and retirement plans. These doctrines have provoked outrage from legions of scholars and lower-court federal judges, who have complained that they mandate unjust decisions and grotesquely misconstrue the landmark federal Employee Retirement and Income Security Act of 1974 (ERISA). This is not an abstract or isolated problem; over 130 million Americans currently count on employer-sponsored plans for retirement and health-care protection.

ERISA was enacted after more than a decade of congressional investigations into widespread abuses of employee-benefit plans by company and union administrators. ERISA mandated that plan administrators would be required as a matter of federal law to act “solely in the interest of the participants and beneficiaries for the exclusive purpose of providing benefits” to them, and to do so with “care, skill, prudence, and diligence.” But over the past 30 years, principally in 1993 and 2002 decisions authored by Justice Antonin Scalia, the Supreme Court has turned these common-sense goals upside-down. According to the Court's mystifying doctrine, victims of unlawful abuse cannot secure “make whole” monetary relief from ERISA plan administrators who have violated their fiduciary duties.

As described by Edward Becker, the late 3rd Circuit U.S. Court of Appeals chief judge (and a Reagan appointee), the Court's decisions have converted ERISA “into a shield that insulates HMOs from liability for even the most egregious acts of dereliction committed against plan beneficiaries, a state of affairs directly contrary to the intent of Congress.” The impact of this distortion of ERISA's remedial scheme is not limited to particular individual victims. The Court-contrived immunity from liability is so robust that it drives the industry to incorporate systematic stonewalling of claims into its business model. As Becker explained, the Court's *de facto* elimination of remedies creates “strong incentives for HMOs to deny claims in bad faith or otherwise ‘stiff’ participants. Any rational HMO will recognize that if it acts in good faith, it will pay for far more procedures than if it acts otherwise.” So, the judge concluded, “Not only is there an incentive for an HMO to deny any particular claim, but it



creates a ‘race to the bottom’ in which the most profitable HMOs will be those that deny claims most frequently.”

This term the Supreme Court has two opportunities to revisit what Becker called this “unjust and increasingly tangled ERISA regime.” In one of these cases, a pension plan negligently failed to act on a beneficiary’s direction to invest funds from his account in a particular security. While this default flagrantly violated ERISA’s fiduciary mandate for “diligent” service to beneficiaries, the Court’s elimination of “make whole” monetary relief as a remedy leaves this innocent beneficiary holding the bag, and an empty one at that. In the second case, for which Supreme Court review has been requested but not yet granted, the defendant corporation—AT&T—induced employees to accept reassignment to an affiliate being spun off as a separate company by promising to reinstate them in the company pension plan if they had second thoughts and returned to the mother ship. But when, almost immediately, they did return, AT&T stonewalled their bids for reinstatement to the pension plan long enough so that their rights to restore their original pensions lapsed. This cynical maneuver flouted ERISA’s prohibition against employer interference with employee access to earned benefits. But the Court of Appeals ruefully concluded that the only meaningful remedy—compensation for the employees’ lost benefits—was barred by the Supreme Court’s evisceration of ERISA’s remedial provisions.

The Court’s ERISA mischief is so widely condemned (most recently in an Oct. 18, 2007 5th Circuit opinion protesting that “facts scream out” for reversal of the Court’s rule) that one might hope that Chief Justice John Roberts and Justice Samuel Alito, despite their pro-business propensities, would choose to use these two new cases to fix Scalia’s mess. If, however, they and their fellow conservative justices continue to transmute ERISA into an ever more impenetrable shield for employers and HMOs, it will confirm the impression they’ve already made that they are gearing up for a new, aggressive drive to neutralize constraints on business, government, and large organizations charged with protecting employees, patients, pensioners, and consumers.

#### **“FEDERALISM AS A TOOL OF DEREGULATION”**

If the Roberts Court makes this shift to the right, it will reinstate the goals, though not the strategy or tactics, of its forbears of a century ago. The reactionary bloc of Supreme Court justices who dominated American law in the first third of the 20th century attacked the emerging regulatory state by playing the Court’s ace: its unreviewable power to declare state and federal laws unconstitutional. The case that kicked off this long campaign was a 1905 decision called *Lochner v. New York*, and the era is known to lawyers as The *Lochner* Era. In the wake of the New Deal Court’s flat repudiation of the old Court’s constitutional jurisprudence, all that has survived is Justice Oliver Wendell Holmes’ famous sound-bite dissent in the 1905 *Lochner* decision itself: “The Constitution,” he said, “does not enact Mr. Herbert Spencer’s Social Statics.” The point of Holmes’ quip was that the majority was reading into the

Constitution a controversial ideology—doctrinaire laissez-faire economics, of which Spencer was a leading exponent—with no warrant in the text or history of the Constitution itself.

The new breed of conservative judicial activists has not sought expressly to exhumate *Lochner*. For the most part—at least so far—they have discreetly avoided repeating the in-your-face strategy of invoking the Bill of Rights to strike down individuals’ statutory economic protections. Instead, they have sought to throw sand in the gears of the regulatory state by proliferating obstructionist rules purporting to promote sound judicial procedure and the separation of powers. A perfect example is the Court’s conversion of ERISA into a worthless font of rights without remedies. Another is this spring’s *Ledbetter* ruling, which effectively if obliquely overturned the equal protections of the Civil Rights Act by barring discrimination victims from court unless they sue within 120 days of their employer’s original discriminatory act—despite the fact that, in real workplaces, evidence of such offenses rarely surfaces for years.

The principal vehicle for this new activism has been a schizo-

## **Since pocketbook matters do not roil culture-war sensitivities, little heed is paid when they come before the Court.**

phrenic approach to policing the boundaries between state and federal power—venerated in judicial boilerplate as the “delicate balance” of federalism. On the one hand, the conservative bloc has sought to constrain Congress’ power to enact—and citizens’ ability to enforce in court—national legislation. On this side of their agenda, the justices have portrayed themselves as defenders of “states’ rights.” In the late 1990s and first years of this century, the so-called “Federalism Five” bloc of conservatives had pushed this gambit so far that a widely respected Reagan appointee, Judge John T. Noonan Jr. of the 9th Circuit, wrote that their decisions had “return[ed] the country to a pre-Civil War understanding of the Nation.”

On the other hand, without missing a beat, the Court simultaneously developed doctrines to “preempt”—that is to say, invalidate—state laws that conflict with or “frustrate” federal laws. In the main, the Court’s trigger-happy use of its preemption power has been used to strike down state regulatory laws at the behest of industries or businesses seeking regulatory relief.

Together, these mutually contradictory, vague, and elastic legal theories arm the Supreme Court—that is, five life-tenured justices, or, often, one swing-justice, Anthony Kennedy—to act as the decisive arbiter of what is acceptable state and federal regulation. Driving this two-faced regime, as professor Ernest Young of the University of Texas (a leading Federalist Society conservative) has noted, is a “libertarian vision” that “sees federalism as a tool of deregulation with the potential to keep both national and state governments within relatively narrow bounds.” (Emphasis added.)

In other words, this new breed of activists has found another way to say that the Constitution does, after all, enact Mr. Her-



bert Spencer's *Social Statics*. Conservatives who claim fidelity to judicial restraint, as did Roberts during his September 2005 confirmation hearings, ritualistically condemn "Lochnerism" as one of the most egregious "activist" episodes in the Court's history (along with, for example, *Roe v. Wade*). What Roberts and his colleagues don't say is that in their hands "federalism" could readily turn out to be the *Lochnerism* of the 21st century.

The Court's ERISA jurisprudence is illustrative. However misguided, the perversion of ERISA by Scalia and his colleagues wouldn't be totally fatal to beneficiaries' chances of recouping unjust losses, so long as pre-existing state laws and other remedies remained available. But the Court has not only gutted ERISA itself. The Court has further declared that in passing ERISA, Congress meant to preempt traditional state remedies. Thus, as Justices Ruth Bader Ginsburg and Stephen Breyer have said of the Court's handiwork, "Virtually all state law remedies are preempted but very few federal substitutes are provided." In the 1993 case in which Justice Scalia started the Court down this road, Justice Byron White, dissenting for four colleagues, called Scalia's rule "perverse" for creating the "anomaly of leaving those Congress set out to protect—the participants in ERISA-governed plans and their beneficiaries—with less protec-

tion than they enjoyed before ERISA was enacted."

Federal preemption cases have long been a major preoccupation of the Court. During William Rehnquist's tenure as chief justice, from 1986 to 2004, preemption cases accounted for fully 8 percent of the Court's civil docket—a proportion greater than that of many high-voltage constitutional issues. The bulk of these cases involved business challenges to state regulatory statutes or common-law tort remedies. And in preemption conflicts with private parties, businesses usually prevailed.

The preemption campaign by the Court has had large impacts on the availability of remedies for a wide variety of injuries and losses. The Court has ruled, for example, that federal regulations phasing in mandatory airbag requirements preempted state tort-law claims against auto manufacturers for failing to provide airbags earlier than the federal phase-in date; federal railroad regulations preempted state tort-law claims against railroads for failure to maintain adequate warning signals; federal employee-benefit rules preempted state tort-law claims against health-plan administrators for wrongful denials of coverage that led to physical injury; federal cigarette-labeling requirements preempted state cigarette-advertising restrictions; the Clean Air Act preempted state emission-related requirements for fleet automobile purchases; and, most recently, federal banking regulations preempted state predatory lending and other consumer protection laws.

#### **BABY BOOMERS AND OTHER DISCRIMINATION TARGETS: BEWARE THE SUPREME RIGHT**

Beyond the two pending ERISA cases, the Court's 2007–2008 agenda puts at risk numerous other state and federal laws that shift economic risks from individuals to businesses. One case will determine whether state product-liability law was preempted by a 1976 federal law requiring prescreening by the Food and Drug Administration of high-risk medical devices. Sen. Ted Kennedy and Rep. Henry Waxman, leading architects of the 1976 law, filed an amicus brief with the Court explaining that nothing could have been further from that Congress' intent than the notion that the legislation could invalidate the most effective deterrent—the threat of state tort-law damages—to negligent design practices by medical device manufacturers. Before June 2008 we will know how much respect Chief Justice Roberts and his colleagues give to that message.

Four cases will throw light on how far and how fast the conservative justices aim to go in dismantling meaningful remedies for discrimination victims, following up on their devastating *Ledbetter* decision last term. Two of these concern whether employees may sue for retaliation when employers punish them for complaining of discrimination based on race or age. Until now, protection against retaliation has long been accepted as an essential safeguard, most recently in the Court's 2005 decision in *Jackson v. Birmingham Board of Education*

(though only by a 5-4 margin, with former Justice Sandra Day O'Connor providing the decisive vote).

A third case will examine whether plaintiffs in age-discrimination suits must show that discrimination was “arbitrary,” that is, not based on any “rational” reason, such as shaving the employer’s expenses. If the Court accepts the employer’s interpretation of the Age Discrimination in Employment Act, employers could readily fabricate rationales for disadvantaging older workers in benefit, retirement, and other policies, leaving baby boomers and older workers without protections they have long counted on.

Still another case will address whether an employment-discrimination suit must be dismissed because the Equal Employment Opportunity Commission botched its responsibility to notify the employer and initiate statutory conciliation procedures after the complainant submitted to the commission a lengthy “intake questionnaire” detailing her grievance. Judgment for the employer will mean that bureaucratic ineptitude will not merely delay relief for discrimination victims, but let discriminating employers off the hook permanently.

It doesn’t take a legal genius to forecast that a few more defeats for plaintiffs in cases like these will hollow out equal opportunity guarantees to the point where, in real-world workplaces, they neither constrain employers nor protect employees.

#### **THE ENABLERS: CONGRESSIONAL GRIDLOCK AND LIBERAL MYOPIA**

The positions of the newly reconstituted Court on these economic security issues are not yet quite set in stone. It is possible that members of the conservative bloc will think twice, and better, before signing on to an all-out pursuit of a libertarian deregulation crusade. But it would be unrealistic to expect self-discipline from the Court—at least until and unless Congress demands it. By limiting congressional authority and subverting major federal statutes, the Court has long been picking a fight with Congress. Up to this point, Congress has for the most part turned the other cheek—or failed to notice altogether.

To be sure, there have been some stirrings on Capitol Hill. During the Roberts confirmation hearings, members of both political parties—in particular, Sens. Arlen Specter, Patrick Leahy, and Charles Schumer—attacked the Court’s federalism rulings as usurpations of congressional authority. But, other than a tough-talking July 2007 speech by Schumer to the American Constitution Society, there has been little follow-up to these protests against conservative judicial activism.

This spring, Congress initially reacted with commendable dispatch to the Court’s May 2007 *Ledbetter* decision; the 5-4 majority in that case not only decimated equal pay guarantees in the 1964 Civil Rights Act, but flouted an earlier “fix” Congress enacted in 1991 to reverse a Rehnquist Court decision that gutted the 1964 act in substantially identical ways. Now, however, the *Ledbetter* fix legislation, which passed the House just before the summer recess, seems mired in the Senate.

The *Ledbetter* fix fizzle reflects a feature of Capitol Hill politics that could embolden the Court’s conservatives to discount threats of congressional reversal or reprisal. Even

if Democrats expand their House and Senate majorities in coming elections, congressional gridlock could continue to trump efforts to check runaway judicial activism. Efforts to overturn overbroad preemption decisions are likely to provoke fierce industry opposition. Given the contemporary *de facto* rule that 60 votes are needed to pass controversial legislation in the Senate, any well-financed and organized interest can hope to wield a veto. This paradigm—of an aggressive Court well to the right of Congress, most state governments, and a majority of the national electorate, but unchecked because of chronic Capitol Hill gridlock—could become a basic structural feature of the early 21st-century political environment.

But even if they lack the votes to overcome a filibuster, liberal and moderate members of Congress can still push back. They can make conservative judicial activism a much higher-profile concern, issuing rapid responses to important court decisions and holding hearings to spotlight the Court’s flouting of precedent, congressional intent, and manifest public needs. Indeed, such responses are imperative: If Congress does not show that it is on the case, that it could get mad enough to get even, the Court’s hard-liners are unlikely to cower before protests coming only from liberal editorialists and the occasionally disgruntled member.

Whether or not congressional jawboning dulls the Court’s appetite for confrontation, it is manifestly in the political interests of Democrats, and Republican moderates, to focus the press and public on Court conservatives’ hostility to economic-security protections. For the past quarter-century, decisions expressing this hostility have comprised a significant portion of the output of courts, but they have drawn surprisingly little attention. Liberal and moderate politicians have looked mainly to (because they have heard mainly from) progressive culture warriors for cues as to which court developments merit their attention and which judicial nominees merit their support or opposition. As, with only mild overstatement, *New Yorker* and CNN pundit Jeffrey Toobin observes in his new book, *The Nine*, in the past three decades, “there were two kinds of cases before the Supreme Court—abortion cases—and all the others.”

“Abortion,” he adds accurately, “dominated the nomination and confirmation process, [and] nearly delineated the difference between the national Democratic and Republican parties.” As a result, liberal and moderate candidates for national office have probably been disadvantaged, and Democratic senators from red states (of which there are now 15) have often felt they had to put their political lives on the line in order to vote against a right-wing nominee for the federal bench.

Liberals, however, have not trained a political spotlight on those judicial issues that matter to most Americans in the course of their daily lives—a mistake, like the Court’s mutilation of ERISA, that “screams out” for correction. The work could begin by letting the public in on the secret that, the next time they are stiffed by their HMO, Justice Scalia and his colleagues should get their just share of the blame. **TAP**

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*Simon Lazarus is public policy counsel for the National Senior Citizens Law Center.*



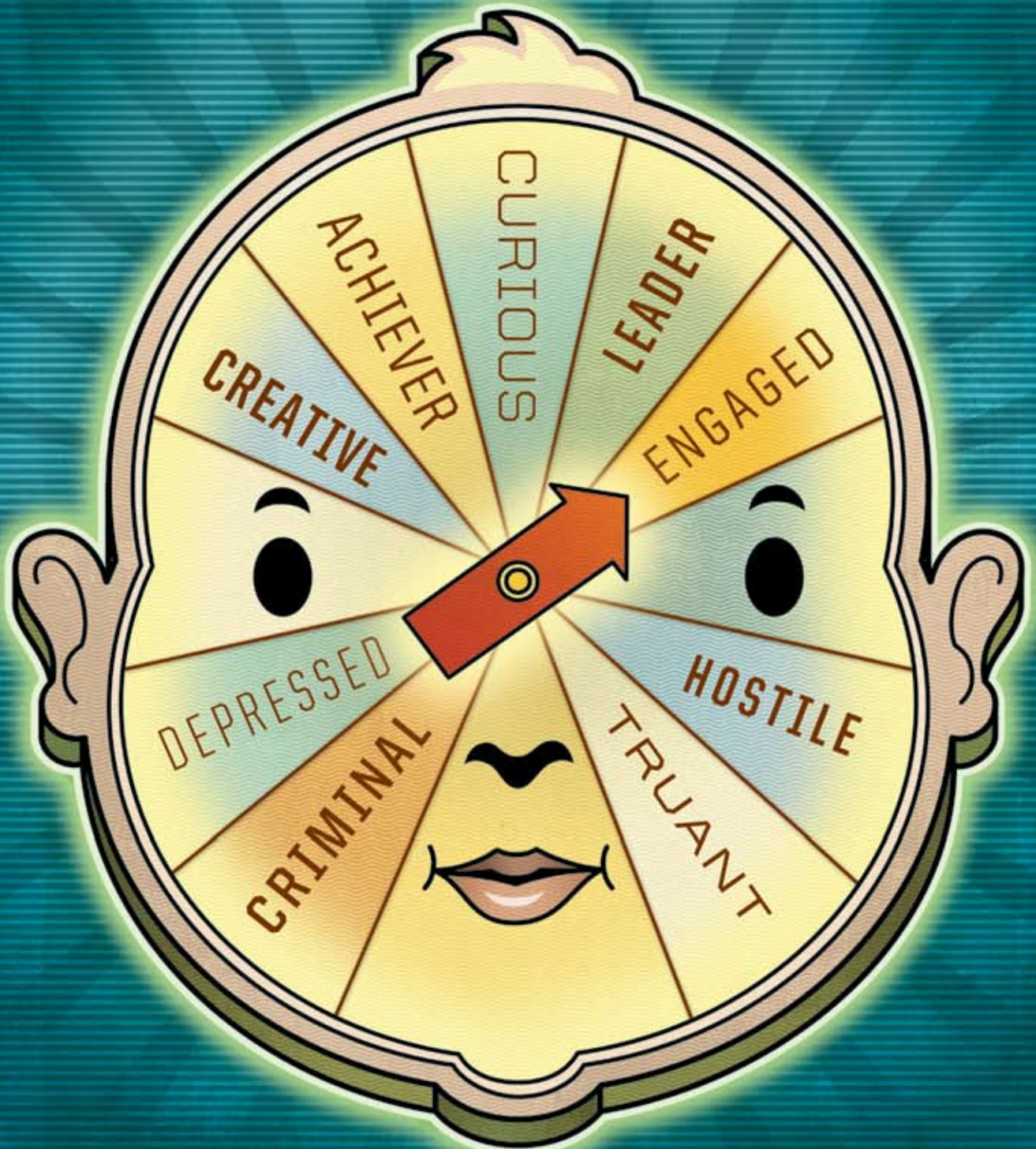
THE AMERICAN  
PROSPECT

# LIFE CHANCES

## The Case For Early Investment In Our Kids

SPECIAL REPORT

DECEMBER 2007



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## CONTENTS

- A2 All Our Children**  
BY ROBERT KUTTNER
- A4 Changing the Climate on Early Childhood**  
BY LAWRENCE ABER
- A7 A Movement Transformed**  
BY SUSAN URAHN  
AND SARA WATSON
- A10 Pre-K Politics in the States**  
BY KATE SHEPPARD
- A13 No Parent Left Behind**  
BY TARA MCKELVEY
- A15 From One Generation to the Next**  
BY RUCKER C. JOHNSON
- A17 Continuing the Investment**  
BY SARA MEAD
- A18 Child-Care Pay, Child-Care Quality**  
BY MARCIA K. MEYERS
- A19 Nature, Nurture, and Destiny**  
BY DAVID L. KIRP
- A22 "Kids First" Politics, Round Two**  
BY MARK SCHMITT

*Illustrations by  
Peter and Maria Hoey*

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# All Our Children

*Social outlay for early childhood education is the best investment we can make in America's future.*

BY ROBERT KUTTNER

ONE OF THE BEST-DOCUMENTED MODERN RESEARCH FINDINGS is that investment in young children pays big dividends. Brain science, social psychology, and decades of education research demonstrate that the life chances of at-risk children can be improved immensely if they have access to high-quality early education. This means not just pre-kindergarten, but a new set of policies aimed at helping parents of very young children, as well as child-care and after-school programs that are enriching rather than custodial.

Although it is now normal for mothers of very young children to be in the paid labor force, public policy has not kept up with changes in family life, and children often pay the price. America's way of dealing with the needs of children is at odds with the policies of every other advanced nation, where pre-kindergarten and high-quality child care are universal and social. Our country pays the price in stunted lives, inadequately educated adults, higher crime rates, and generational cycles of deprivation that feed on themselves.

Progress is blocked by the perception of fiscal scarcity, and by the lingering cultural premise that children are the responsibility of families, not of society. Of course, society has shared that responsibility ever since the Commonwealth of Massachusetts invented the free public school in the 1630s, but some ideas die hard. The cynical slogan, "no child left behind," is interpreted as meaning high-stakes testing in math and reading, but when it comes to very young children, and the child-care needs of school-age children and their working parents, America's kids are not just left behind but left out entirely.

THE GOOD NEWS IS THAT THE RESEARCH evidence is clearer than ever, and that progress is being made at the state

level (in a federal-policy vacuum). This *Prospect* special report addresses the several fronts of the battle for a comprehensive strategy to meet the needs of young children and their parents.

As the article by Susan Urahn and Sara Watson suggests, universal pre-kindergarten may be the best entering wedge for expanding early childhood services. The progress in Illinois, Pennsylvania, and other states indicates that even in a period of fiscal stress, it is possible to win broad support for what is a far-reaching, new entitlement program. Social science research powerfully documents that earlier support, for children under age 3 and in the very first months of life, may be even more crucial. The articles by Lawrence Aber, Tara McKelvey, and Rucker Johnson suggest the value of interventions for very young children, and their families. So the question of where best to intervene, to create what must be a political transformation, is merely tactical. Ultimately, we need progress on all fronts.

According to Daniel Pedersen, president of the Buffett Early Childhood Fund, "It's not ideology and it's not self-interest. It's return on investment that's motivating these politicians to support a zero-to-five agenda. If you have a limited number of public dollars to spend, it's all the more

important that you spend them in a way that will have the greatest impact.”

There are some instructive arguments within the broad coalition of groups that support expanded early education. Should we place most of our chips on universal pre-kindergarten for 3-year-olds and 4-year-olds, for which a national coalition has political momentum, and then build outward from there? Or should we attempt to make progress on several fronts simultaneously? Should we target services to the very needy? Or should we pursue what Harvard sociologist Theda Skocpol termed “targeting within universalism”? As with Medicare, if we extend universal services in an area where the poor are most likely to go without, by definition we disproportionately help the poor—and also build political coalitions and social solidarity with the non-poor.

Dig a little deeper and you find polite disagreement about quantity versus quality, and about what we mean by quality. Should we establish the principle of universal pre-kindergarten, even if some kids end up being taught in a patchwork of storefronts and church basements by underpaid and under-qualified people—and then fight for higher standards later? Or should we hold out for a program at least as good as Head Start and public kindergarten?

And what do we mean by quality? Should everyone who teaches in a preschool have a B.A. or better, with a salary to match (as nearly every other advanced country requires)? Or should we recognize the talents of culturally indigenous preschool workers, many of whom do not have college degrees, and devise strategies to improve their professionalism and earnings even if that does not always mean having them earn a B.A.? What kinds of career ladders within the field of child development and early childhood education are most cost-effective and most respectful of cultural differences?

As Hedy Chang wrote, in an important recent report published by the group California Tomorrow, titled *Getting Ready for Quality*, “Early childhood educators must be able to work effectively in partnership with diverse communities, and respond to and build upon the culture, language,

and other valuable assets of families.” The report expressed the very real concern that in a well-meaning effort to upgrade the quality of early childhood teachers and other workers, “a movement toward requiring all lead preschool teachers to hold or obtain Bachelor of Arts degrees in early childhood education will, without careful policy attention to prevent it, result in decreasing the diversity, and therefore the quality of the preschool teaching workforce. Decreased diversity is likely to impede school readiness efforts in culturally and linguistically diverse communities.”

Yet these very real concerns are in part the product of scarcity and misplaced national priorities. If American leaders had learned from the science of child development, there would be adequate funds for plenty of preschool teachers with bachelor’s degrees or better, *and* for better compensation of community-based people with less than B.A. degrees as well as the prospect of good career ladders for them.

## Increasingly, the middle class faces the dilemma of the poor: not enough time both to earn a living and care for one’s children.

THE EFFORT TO EXPAND SOCIAL OUTLAYS for children is intimately bound up with the politics of race and class. The children most at risk are poor; the poor are disproportionately minority.

It is the poorest children who are likely to have parents with deprived educational backgrounds, parents juggling multiple jobs, parents less likely to read to their children, parents whose own lives are often too stressed for them to give the nurturing that they so dearly want to give. At a time when middle-class families are also financially squeezed, it seems like a hard sell politically to ask for a substantial new category of social outlay. In the context of fiscal scarcity, spending on children is made to compete with other under-funded and better-defended candidates for social outlay, such as health care and basic public education, and advocates of different emphases and tactics within the field of early childhood

often find themselves jousting with one another over shares of too small a pie.

Yet, this year, we taxpayers will contribute upward of \$200 billion to pay for the Iraq War and kindred optional military adventures. For half that, we could have a first-class national early childhood program, where we do not have to trade off quantity against quality, or pre-K against very early childhood, or the compensation and training of in-place child-care workers with the goal of college-educated pre-K teachers, or the choice of more parental leave versus more institutional care. For half the cost of the Iraq War, we could have it all.

Another, somewhat perverse piece of political good news is that more and more middle-class families are vulnerable to the same stresses that have afflicted poor families through the ages—not enough time both to earn a living and to care for children; and rising cost barriers to the highest-quality care that the rich have always paid for privately. Four

decades after a supposed feminist revolution, women workers, whether professional, middle class, or working poor, find that having children in the absence of a national system of high-quality child care still forces them to choose between their career advancement and their kids. Like the pulling away of the wealthy in so many other areas of American life, the nanny class is a small minority of voters. As a consequence, comprehensive funding for early childhood has less of the aura of paying for other people’s children and more of an increasing sense of investing in all our children.

Some day, the Iraq fiasco will be over. There will be a peace dividend, literally in the hundreds of billions. If we do not invest a major piece of that dividend in our children, shame on us. And as this special report suggests, child development scientists and advocates have already made a good beginning. **TAP**



# Changing the Climate on Early Childhood

*The science of early childhood development is as persuasive as the science of global climate change. Today, both challenges urgently call for a transformative politics.*

BY LAWRENCE ABER

**I**N CERTAIN RESPECTS, THE THREAT OF LOST HUMAN potential and the science of early childhood development are much like the threat of global warming and the science of climate change. Can the human development movement take a few useful lessons from the global warming movement? Can we more effectively engage science to advance a progressive politics of early childhood development?

The globe, seen from a satellite, is elegantly simple: perfectly spherical and awash in blue and white. But down here at ground level we see its profound complexity: continents, oceans, and seas; millions of interrelated organisms; essential matter literally indispensable to the creation and support of life. The natural and environmental sciences have made enormous progress over the last few decades in analyzing that complexity. Their essential insight is that the globe is a whole system. You can't seriously assault a part of this system (CO<sub>2</sub> emissions from rich economies boring a hole in the ozone layer) without affecting other parts of the system (weather and public health). It has taken the analytic and creative brilliance of an entire community of scientists to demonstrate that environmental practices must change or we will do permanent systemic damage to our globe.

I hope by now, some kind readers have already begun to draw the analogies. Infants and young children, seen from a safe distance, seem elegantly simple. But any parent knows what the brain, behavioral, and developmental sciences have analyzed and mapped in exquisite detail: an infant, toddler, or preschooler is enormously complex, and while made up of specific parts and processes, it is all integrated into an entire system. Serious assault or neglect of any part of this system means affecting other parts of the entire system. The science of early human development is as persuasive as the science of climate change. The phenomenon is a system.

If this analogy is useful, it calls our attention to the need to change the fundamental nature of the relationship among science, practice, and politics, no less for our children than for our planet. This is not brand-new territory for the early childhood movement. The credible, nonracist science of intelligence, pioneered by professor James McVicker Hunt of Illinois and others in the 1950s, came to a similar insight that the Nobel laureate James Heckman is championing today: the cost-effectiveness of investment in early child development. Because learning

begets learning, the early years are especially influential on lifelong attainment. These scientific insights 50 years ago fed the political decision to include Head Start as an essential feature of Lyndon B. Johnson's War on Poverty. Importantly, one of the critical design elements of Head Start was parent and community participation.

Head Start was powerfully influenced by Edward Zigler, then a young professor of developmental psychology serving as Nixon's first director of the newly created Office of Child Development, and Julius Richmond, then a young pediatrician (and later, a distinguished surgeon general under President Carter). These men were practical academics. If we are to seize on the opportunity to give poor children a Head Start on learning, they reasoned, we need to ensure that children aren't going to school hungry or malnourished, that they have the social competence to effectively interact with teachers and peers, and that what they learn in Head Start is supported and reinforced at home by parents. Zigler and Richmond, basing their reasoning on both their practical wisdom and the scientific knowledge of the day, believed in educating and nurturing the "whole child" (to use Zigler's famous term) as the objective of Head Start: cognitive growth, yes, but also physical health, mental health, social competence, and aligned and supportive parenting. In short, like the globe, the young child is a whole system, a dynamic system of complex, interlocking subsystems.

## THE CURRENT SCIENCE OF EARLY CHILD DEVELOPMENT

Over the last several decades, the science of early development has witnessed the same explosive growth as most other scientific fields. Through new technologies like functional magnetic resonance imaging, scientists now can see how the brain grows structurally and functions as a system. Through careful analysis of videotapes of parent-infant interaction, scientists can see the ways children become attached to parents and grow in emotional security. A growing body of evidence from the brain, behavioral, and developmental sciences has led to a new and powerful metaphor: the "relational brain." It is incontrovertible: The infant brain is hard-wired for relationships, and the optimal growth and development of the human brain in the early years is largely dependent on the nature and quality of a child's few and most important human relationships.

These and kindred scientific advances have enabled society to clearly identify the most serious threats and dangers to early childhood development. And these threats and dangers are unequally distributed both across and within nations. The most serious threats to early development globally—death in infancy and early childhood due to malnutrition, uncontrolled diarrhea, and infectious diseases and their deadly combinations; physical stunting and wasting; extreme poverty (income of less than \$1 per day per person); and armed conflict—are comparatively very rare in the U.S. and other high-income countries.

But though our society is rich and more peaceful on average, family differences in socioeconomic resources drive developmental differences very early in life in what Dan Keating of the University of Michigan calls “developmental health.” Infants from families in the top income quintile are born healthier, stay healthier, develop language skills faster, and experience fewer serious problems of self-regulation and social-emotional development than infants from families in the bottom income quintile. What processes cause this result? Here, the brain, behavioral, and developmental scientists have been joined (indeed led) by researchers in the public health, social, and economic sciences.

Scientists identify specific pathways of influence, from social and environmental risk to developmental processes and outcomes. One major pathway leads from low family income to reduced parental investment of money and time and then to less than optimal cognitive and language stimulation and development. The second leads from high family material hardship to parental stress and harsh and disengaged parenting to non-optimal social and emotional development and mental health.

Beyond the normal stress of life in a low-income family, some infants and toddlers are exposed to what is now called toxic stress. This brand of stress is fundamentally different from the normal stress that is part of everyday life and that goads humans to adapt and grow strong. Rather it is the chronic, extreme stress of repeatedly witnessing and experiencing violence, of being repeatedly physically, psychologically, and/or emotionally abandoned for extended periods of time. Economic insecurity and toxic stress are both damaging to early child development in their own right. Together they are especially damaging. Because the distribution of family economic insecurity and toxic stress are variably distributed according to income, the result is a socioeconomic disparity in developmental health. Imagine a new public awareness ad to call national attention to this inequality: “This is your infant’s brain ... this is your infant’s brain on economic insecurity and toxic stress!” It is lower-income children who are disproportionately subjected to these chronic assaults, stunting their life chances.

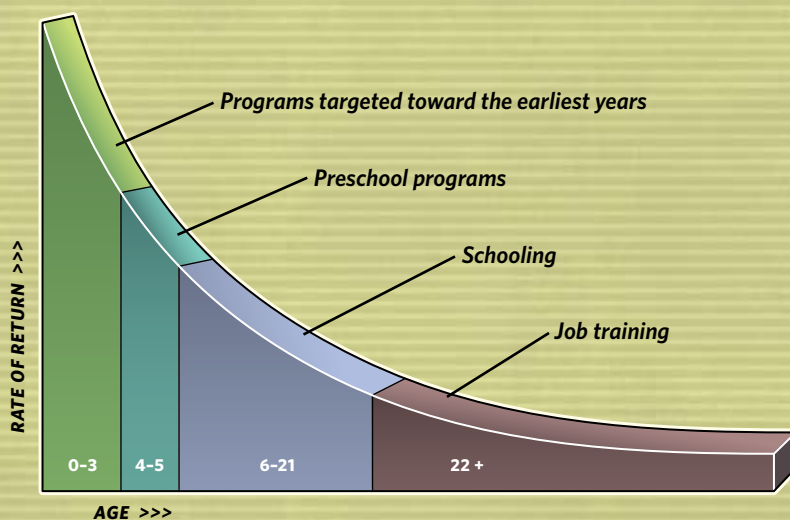
#### PRACTICE, CIVICS, AND POLITICS

While the science of early child development has marched briskly forward over the last 30 years, practice and politics have both lagged far behind. There is no shortage of

advocacy effort. The growth in demand for child care as a work support, promoted by state and national advocacy organizations and underwritten by foundations, has led to increased state and federal investments. The dimensions of child care that promote cognitive, language, and social-emotional development are becoming better understood. Nonetheless, measured against the still-growing gap between needs and resources, these practice improvements are incremental at best.

On the civic and political front, progress has been even slower. Though the scientific evidence is overwhelming, a coalition has not yet come together to persuade our society to commit

#### PAYOFFS TO INVESTING IN EARLY CHILDHOOD: Rate of Return to an Extra Dollar Invested at Different Ages



SOURCE: PROFESSOR JAMES HECKMAN, UNIVERSITY OF CHICAGO

the necessary social investment. Parents of infants, toddlers, and preschoolers are even busier than parents of school-age children. There are fewer publicly supported, broadly based organizing institutions for parents of young children (no PTA, no school board). Therefore, the community and civic mobilization for young children has fallen to paid professionals and, somewhat ironically, to older citizens with a bit more time on their hands who see their own children being fried alive as young parents.

As a consequence of the failure of our politics to learn from our scientists, programs supporting development in early childhood remain tremendously underfinanced. The lion’s share of public expenditures on children in America is spent on K-12 education. And of course the ability of families to devote adequate private resources is also skewed according to class. Universal education is slowly creeping down from 6-year-olds to 5-year-olds to 4-year-olds. But the first three years of life are bereft of serious, equitable social investments. America needs to set itself on a course to publicly invest in early childhood at the same rate as we invest in K-12 education.



## A WAY FORWARD?

If managed properly, a political commitment to equity in public funding for early childhood development could have transformative effects, just like a commitment to serious reduction of carbon emissions. It requires smart decisions today about how to reach concrete goals over a 10-year to 20-year period. A dramatic increase in resources for child development could energize sleepy sectors of society and create a frame for renewed civic discourse and political activity. A national commitment could give new reasons to draw on the new science of early development to improve the technology of practice. Just as universal provision of publicly funded K-12 education closes (but does not yet eliminate) the resources gap between poor and wealthy families' children, so too would universal funding of infant/toddler care and education close the even larger resource gap in early childhood.

Equity across age groups in public investments will not cure all the challenges facing America in meeting the needs of our youngest children. But it will go a long way in making most of the major challenges easier to solve. Outlays in the range of \$7,000 to \$10,000 per year per child would dramatically reduce family economic insecurity and toxic stress for our most vulnerable children. This scale of investment in all our nation's

## America needs to set itself on a course to publicly invest in early childhood at the same rate as we invest in K-12 education.

young children can have the same positive effect on social solidarity across class lines that policies like Social Security and universal K-12 education have had in the past.

There are a wide variety of policy options available to increase public investments in the first three years of life. Each has its own set of political and technical challenges. High quality, center-based child care on the model of Scandinavia and France is the most similar to public K-12 education.

Early childhood development vouchers, redeemable to purchase high-quality care or to support parents to care for their own infants/toddlers, would be taken up by a larger proportion of young parents—but may increase the demand for vouchers in K-12 education, a risky deal if there ever was one.

Many of the problems with center-based care and vouchers would be avoided if the U.S. were to adopt a generous children's allowance, available until they reach the age of universally available public education. Personally, I prefer the infant/toddler allowance strategy as valuable in its own right and as a stalking horse for a truly universal allowance. But politically, I would want American families and their elected officials to debate the pros and cons of these and other policy options as long as the bottom line is substantial public investment in the first years of life equivalent to the public investment we currently make in K-12 education.

Why should America go deeper in debt to publicly subsidize

the infants and toddlers even of our wealthy families? How can we possibly afford on the order of a hundred billion new dollars per year in public expenditures on early childhood development? How will the political support materialize?

If young parents and their young children are eligible for more high-quality public services, the voters will receive greater value for their taxes. Middle-income families increasingly face the same needs as poorer ones. We include higher-income families in public education on principle: It is a public good and a path to enhanced citizenship for all. And Heckman's work suggests that early investment in children will more than pay for itself in the long run.

More and smarter investments in early childhood development will reduce health-care costs in the future. And they will increase the economic productivity of the next generation and thus its ability to pay our children's Social Security. So the best question is not, "How can we afford equitable public investments in early human development in the short run?" but rather, "How can we afford *not* to invest in the long run?"

In the end, just as the science of global climate change will only improve practice if it is built on a broad political movement, the science of early childhood urgently calls for

a transformative politics. The science is incontrovertible. What's been missing are the new civics and politics. But there is reason for hope. In the U.K., Tony Blair managed a modern politics of dramatic investments in early childhood over the last decade. In order to cut the child poverty

rate by 50 percent over 10 years, he created and managed support to increase investments in early childhood by fully 1 percent of gross domestic product. By U.S. standards, that would represent an outlay of about \$130 billion a year. U.S. politicians spanning the center-to-left spectrum from Mayor Michael Bloomberg of New York to Speaker Nancy Pelosi (who held a substantive, but quiet National Summit for America's Children in May 2007) are beginning to come forward with their own plans for increased investments. But no national leader has yet stepped up to make the case for equitable public investments in early childhood at an adequate scale.

We need the early childhood equivalent of the global climate change movement's dynamic duo to make that case: the creative, analytic, persistent scientists who continually advance our understanding of developing systems that support and sustain life; and a scientifically curious major politician schooled in persistence in the face of heartbreak. Al Gore already has a job. Which major politician on the American scene has the skill and drive to become the ozone man or woman of inner space and early human development? **TAP**

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*Lawrence Aber is professor of applied psychology and public policy at New York University and board chair of its new Institute on Human Development and Social Change.*



# A Movement Transformed

*States have boldly advanced the cause of preschool in the last few years. Now, let's use growing support for pre-K to mobilize a national investment in early childhood.*

BY SUSAN URAHN AND SARA WATSON

**P**RESCHOOL HAS GROWN UP.

Just five years ago, the question of whether to provide quality pre-kindergarten to our nation's 3-year-olds and 4-year-olds was a relatively obscure policy dilemma viewed primarily as a child-care issue. Today, the discussion is not whether to make it available, but how—and it is a robust conversation among policy-makers, educators, business leaders, police chiefs, and others who view early learning as pivotal to education, public safety, and America's economic prosperity.

The past year alone speaks volumes. In February, Federal Reserve Chairman Ben Bernanke cited pre-K as a smart economic development strategy for the country. In August, *The Wall Street Journal's* front page declared the growth in state-funded pre-kindergarten “one of the most significant expansions in public education in the 90 years since World War I.” Four Democratic presidential candidates have included pre-K in their education platforms. Their Republican counterparts have not yet endorsed pre-K, but many GOP state lawmakers champion the cause. And two prominent scholars, David Kirp and Bruce Fuller, are out with new books on the topic.

National attention to the issue reflects strong leadership by the states. Not everyone agrees with the movement in states toward pre-K for all, but it's difficult to dispute the momentum. According to the organization Pre-K Now, 11 governors in 2004 proposed increasing pre-kindergarten funding for FY2005. In FY2007–2008, 29 governors called for expanded pre-K, and 36 states increased funding. All together, states have invested nearly \$2 billion in new revenues for pre-K over the last four years alone (see chart). Seven states—Florida, Georgia, Illinois, Iowa, New York, Oklahoma, and West Virginia—now have in place or have pledged pre-K for all 4-year-olds, with Illinois including 3-year-olds as well. And three others—Arkansas, Louisiana, and Oregon—now provide pre-K for all at-risk children.

Funding is critical, but quality matters, too, and states are making progress

in this area as well. When the National Institute for Early Education Research (NIEER) at Rutgers University began measuring preschool-program quality in the 2001–2002 school year, just three states received the highest rating (9 or 10). Last year, eight states did. Over that time period, at least 25 state programs improved their score.

Which states have expanded support for early education—and why—signifies the remarkable transformation of pre-kindergarten into an issue that crosses party lines, engages unusual allies, and relies on multiple rationales. Of the 36 states that increased funding this year, nearly half did so with bipartisan cooperation in the legislature or between the legislature and governor. In South Dakota, a few champions, including the Republican governor and lieutenant governor and business leaders, tapped the state's economic-development fund to create its first pre-K program. In New York, law enforcement leaders touted the virtues of early education to reduce crime—and helped persuade lawmakers to increase funding by 48 percent this year. Texas, meantime, expanded its pre-K program to children of military families last year, and this year made it available to foster-care kids.

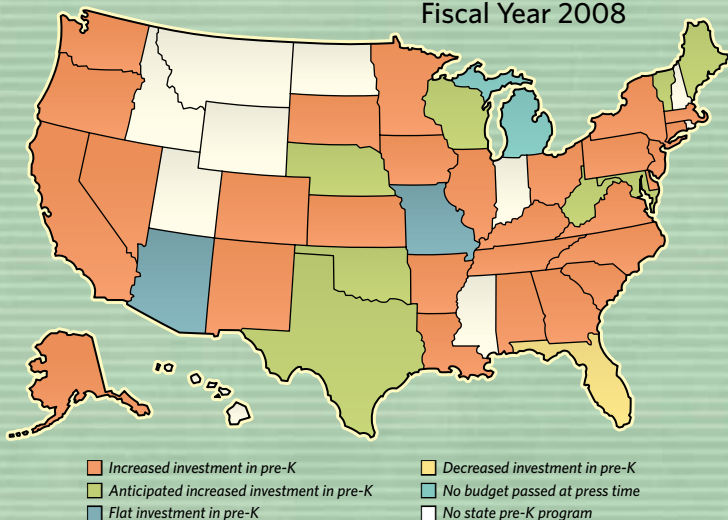
There have been setbacks as well. California voters rejected a ballot initiative to provide pre-K to all 4-year-olds, citing a dislike of the funding mechanism, the universal nature of the program, and the use of ballot initiatives to make policy. Even though Florida amended its constitution in 2002 to enroll all 4-year-olds, the state has yet to ensure a high-quality program—and this year became the only state to decrease funding. And about 10 states have consistently refused to put their own dollars into pre-K programming.

What explains the sea change in the status of preschool over the last five years? It is important but not enough to say supporting early learning is the “right thing to do.” If that argument were sufficient, many children's programs would be flush with funding. In an era of competing interests for fewer government dollars, it has been essential to persuade



## LEGISLATIVE ACTION ON PRE-K BUDGETS

Fiscal Year 2008



SOURCE: PRE-K NOW, "VOTES COUNT: LEGISLATIVE ACTION ON PRE-K FISCAL YEAR 2008."

the public and policy-makers that expanding high-quality early education is the smart thing to do, too.

Today's evolution of the pre-kindergarten movement, building on decades of activism, shows that our nation will invest in children's programs under the right circumstances, and in response to the right strategy. Support for pre-K has grown because advocates have shown it to be an effective response to disparate factors, and they have done that with compelling messages, and messengers, backed up by research.

### FACTORS DRIVING SUPPORT

**Young kids ready to learn.** Research on early brain development (especially before birth to age 3), along with decades of knowledge about the impact of high-quality early education programs, has focused attention on the importance and rapid pace of early cognitive, social, and emotional development. Yet while the science is clear that the entire 0–5 age range is a critical window for learning, this country struggles with the appropriate role for government when it comes to very young children. Opinion polls reflect public ambivalence: There is the desire to have a parent stay at home with kids, especially until they're 2—but simultaneously the recognition that in today's economy, that's a challenge. However, they are more comfortable with public funding for preschool programs: A recent national poll by Greenberg Quinlan Rosner Research found that 82 percent of respondents believe it is very or somewhat important for a presidential candidate to "favor expanding and improving voluntary pre-K and Head Start programs so that all children arrive at school ready to learn."

**Education reform that works.** The public is frustrated with the state of education reform, with poor performance in many schools, international comparisons that show U.S. students lagging, and a bureaucracy that appears slow to change. Americans want to see improvement—so they have embraced research showing the benefit of pre-kindergarten on children's success in later years. Studies started decades ago—notably the High/Scope Perry Preschool and Chicago

Child Parent Center studies—and others since then show that pre-K helps improve kindergarten readiness, reduce rates of special education and grade retention, and increase high school graduation.

**Good for the economy, good for public safety.** These long-term studies established significant benefit-cost ratios (for example, 17-to-1) for investments in pre-kindergarten for poor children. As detailed elsewhere in this report, the numbers come not only from better schooling and higher earnings later in life, but from a wide range of averted costs associated with crime, teen pregnancy, welfare receipt, and more. In a 2003 report, Art Rolnick and Rob Grunewald of the Minneapolis Federal Reserve Bank converted that data into a rate of return, similar to what one would get on a stock market portfolio. They found that pre-K for disadvantaged children could show an annual, inflation-adjusted 16 percent return—impressive for any investment. When they compared that return with other economic development projects, the new question to policy-makers became, "Why invest in a new stadium (rate of return uncertain) when you can get a whopping 16 percent by investing in pre-kindergarten for poor kids?"

With strong economic data, including studies by Nobel laureate James Heckman, influential organizations such as the Committee for Economic Development and the Economic Policy Institute recognized the value of pre-K. Then business leaders came on board—embracing cost savings, workforce improvements, job creation, and more. Governors focused on their states' economic vitality in a global marketplace have been powerful advocates, as well.

Similarly, Fight Crime: Invest in Kids—an association of police chiefs, sheriffs, and other law enforcement leaders—has highlighted research that links pre-K for poor children to drops in juvenile crime and delinquency. Law enforcement's message: The best way to reduce crime is not to build more prisons or even put more officers on the street, but to reach children early.

While advocates have made good use of the economic data, a caveat is needed here. It is important not to "oversell" any one intervention or potential cost savings. Even a 2-to-1 return would be impressive—and some programs whose benefits simply cannot be translated into economic terms are well worth the investment.

**One size does not fit all.** State leaders stress the importance of tailoring approaches to their own circumstances, and the pre-K movement has responded by pairing the goal—high-quality, voluntary early learning programs—with a menu of options for meeting it. Most states offer pre-K in a variety of settings to give parents an array of choices. Some states aim to serve all kids, believing the best way to build widespread support is to engage families of all incomes, and because of new data showing how pre-K benefits children well above poverty. Others target funds only to disadvantaged children because of the higher rate of return for that group. Regardless of the ultimate scope, most states are starting with children who need preschool the most, and expanding over time.



BUILDING ON SOLID RESEARCH AND DECADES OF WORK BY EARLY childhood advocates, the movement for expanding high-quality pre-kindergarten has given diverse constituencies a reason to care about pre-K—and to voice support in their own terms. This has reframed the debate, making supporting early education the smart thing to do from a variety of perspectives.

Part of the movement's effectiveness stems from its focus. Children need a variety of supports to become successful adults, and pre-K is not a magic bullet that will address all of those needs. While states can and should have a broad vision, they can't win everything at once. The strategy choice is not between winning only one support for kids and recognizing that they need a comprehensive approach. Rather, it's between winning that comprehensive package one big piece at a time, or through small increases across a wide agenda. In this case, couching pre-kindergarten as one part of a comprehensive children's policy agenda was not what this issue needed. Scoring big victories with a previously unknown policy issue called for a tightly focused strategy to transform preschooling into a fundamental educational necessity that also spoke to states' core concerns about economic vitality and public safety.

However, substantial increases in support for preschool must not come at the expense of other effective supports for kids. States that make those choices will not ultimately strengthen their next generation. Fortunately, advocates in some states have leveraged public enthusiasm for pre-K to expand funding for related programs. (The following article highlights efforts in Illinois and Pennsylvania, for instance, to do just that.) This means if conditions for change are right, states may be able to tackle more than one issue. But to win big, they do need to focus. Once they win essential commitments on one issue, they can then apply the same strategy to the next priority.

#### THE NEXT BUILDING BLOCK

Without adequate resources, states can't provide the high-quality programs that research indicates will produce real impact—or deliver the outcomes policy-makers and taxpayers expect and deserve for their investment. Furthermore, as programs scale up, it becomes more difficult to control implementation. And there is troubling evidence on this front: As states are stretching to reach more kids, many are spending less per child.

Clearly, the next frontier in pre-K has to be creating high-quality programs that enter state budget battles armed with compelling evidence of effectiveness. Researchers need to examine which characteristics get the most bang for the buck: half-day versus full-day programs, teachers with four-year versus two-year college degrees, and so on. State policy-makers need to insist that any programs they support are based on the best research about effectiveness and evaluations showing children are indeed better prepared for later success. Advocates have the difficult task of keeping the pressure on states to reach more children—while holding them accountable for

quality. Toward that end, The Pew Charitable Trusts, along with the Foundation for Child Development and the Joyce Foundation, created the National Early Childhood Accountability Task Force, which has just unveiled recommendations for states on creating accountability systems to track—and improve upon—child and program performance.

Congress, too, has a critical role. Through Head Start, the federal government has been instrumental in making pre-K available to many of the nation's neediest kids, although the program has never even come close to reaching all eligible children. Many states build on existing Head Start programs in seeking to expand the population of children served. Washington could improve or expand Head Start, as well as encourage states to expand pre-K access and improve quality—helping ensure that children in Indiana reap the same benefits from early learning as kids in Oklahoma.

Finally, the nation needs to figure out how to use growing support for early education as a springboard for expanding America's willingness to invest in its youngest children. Funding for preschool is not enough. We're hardly better off as a nation if a 4-year-old has access to pre-K but not adequate health care. Children can

## Growing support for early education should be used as a springboard for expanding America's investment in its youngest children.

be disastrously behind well before age 3. To emulate the effective arguments made on behalf of pre-kindergarten to win another victory for children, we need empirical evidence showing that other investments deliver positive returns. The Partnership for America's Economic Success, a joint effort of a dozen foundations, is conducting research to determine the economic impact of a range of programs for children from before birth to age 5.

Historically, children's programs have not had the sharp elbows needed in federal and state budget wars to win and retain their share of the pie. And the fight will only get tougher. Without proven strategies that give all kids a good and equal start, America will struggle to compete with other countries whose children are already surpassing ours in educational attainment. The good news is that growing numbers of policy-makers, business leaders, and citizens recognize the essential relationship between healthy children and a vibrant nation. We understand that characteristics that help define a productive employee and a good citizen—the ability to read, think, get along, follow directions—start not in high school, but in the cradle. With good data and a smart strategy, we can make the case that for America to succeed, it must once and for all put its children first. **TAP**

*Susan Urahn is a managing director and Sara Watson a senior officer at The Pew Charitable Trusts. Pew funds several of the organizations mentioned in this article, including Pre-K Now and NIEER, as part of its Advancing Quality Pre-K for All initiative.*



# Pre-K Politics in the States

*Pennsylvania and Illinois have made early childhood education a priority. Can other states—and Washington—learn from their example?*

BY KATE SHEPPARD

**A**S A CANDIDATE IN 2002, GOV. ROD Blagojevich of Illinois promised voters that his administration would boost investments in early childhood programs. He ratcheted up funding by \$30 million each year for his first three years in office, helping reach 25,000 more of the state's neediest children. But in 2006, he came out with his biggest promise yet: quality, universal preschool for all 3-year-olds and 4-year-olds.

"Nothing is more important to parents than their children, and nothing is more important to a child's future than getting a good education," said Blagojevich in a press statement at the time his proposal was released. "And that's where preschool comes in."

Blagojevich's promise did not come out of the blue. It was built on more than 20 years of grassroots advocacy and coalition-building in Illinois, a state that has long been at the forefront of early childhood programs. As elsewhere, the movement for high-quality preschool has had to overcome the challenges of fiscal scarcity, partisanship, and competing priorities. But a broad coalition of advocates, legislators, doctors, economists, law enforcement officers, business leaders, educators, and parents, united behind a strong executive, has been able to make it possible.

Illinois was already ahead of the pack on early childhood when Blagojevich took office in 2003. The state had been investing public funds in early childhood programs since the 1980s and, in 1997, created the Early Childhood Block Grant under Republican Gov. Jim Edgar. That fund has now grown to well over \$300 million. But Blagojevich's Preschool for All would be a landmark effort, a move to both reach more children and put more

emphasis on quality than any state had previously attempted.

To make good on his promise, Blagojevich created the Early Learning Council, a group of advocates, policy-makers, researchers, and educators charged with forging a plan to make high-quality preschool available to all the state's children. After three years of study and dialogue, the council unveiled a plan to put an additional \$45 million into the block grant annually for three years, and continue expanding funding until it could reach every child who needed it. If the legislature supported the plan and maintained funding, Preschool for All would be a reality in five years. And it would dovetail with the governor's All Kids plan to provide health care to all the state's children, putting early childhood programming at the top of the legislative agenda.

The Early Learning Council's model took a unique approach to distributing the funding, helping it reach the state's children through a variety of programs. Child-care centers, public schools, private nursery school programs, and Head Start centers could all apply, and grants would be distributed on a competitive basis.

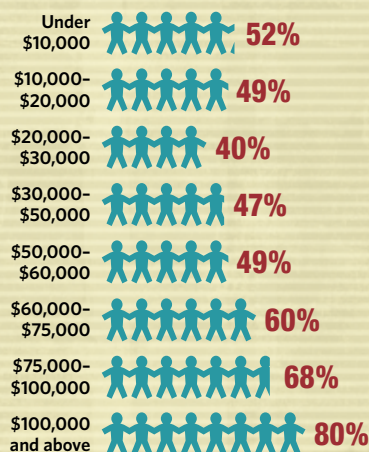
The council created a three-tier system for determining need. The first tier consists of students who are "at risk," by virtue of either family income level, English language-learner status, or special needs. The second tier includes children from families living at below 400 percent of the federal poverty level, and the third tier consists of everyone else. In the first years the grants would go to facilities with at least 51 percent of the students coming from tier one, and by accepting state funding, education would become free for all students enrolled in the facility's preschool program. As the budget for Preschool for All grows, the programs it encompasses would expand to tiers two and three, helping accommodate middle-class families who lack access to quality programs. Importantly, 11 percent of the money would go toward expanding and enhancing programs for children from birth through age 3. Other funds would be reserved for increasing the quality of those preschools through teacher certification programs, mental- and emotional-health training, salary increases for staff, and system-wide program evaluation. Each child in Illinois should have access to a preschool program with a certified teacher who has attained at least a bachelor's degree.

The Illinois reformers learned an important lesson from recent disappointments in Florida, where legislators enacted universal pre-K with little attention to standards. Rather than mandate immediate, free preschool for all without attention to quality or capacity, as Florida did several years earlier, Illinois' program would expand incrementally, focusing on quality. This dimension helped garner support from middle-class families.

When the budget expansion went before the state legislature in 2006, it passed unanimously in the House and with broad bipartisan support in the

## EARLY EDUCATION

Portion of 3- and 4-year-olds in preschool nationally in 2005, by household income.



SOURCE: NATIONAL INSTITUTE FOR EARLY EDUCATION RESEARCH



**Winning Politics:** Gov. Blagojevich of Illinois went far beyond the usual baby-kissing.

Senate—a resounding success in a state where few issues enjoy such agreement. In the first year, preschool became available to 12,000 more Illinois children, and by the end of the rollout, the state plans to serve another 38,000 3-year-olds and 4-year-olds who lack access to high-quality pre-K.

ILLINOIS' LEADERSHIP ON THIS ISSUE seems partly a function of a unique alignment of the stars in the early childhood galaxy. They include the late philanthropist Irving Harris, whose family took a personal interest in early childhood education, and helped found Chicago's Erikson Institute, a premier child development graduate program, as well as the Ounce of Prevention Fund, an influential advocacy and research organization. The Irving Harris Foundation (which generously supports *The American Prospect*) and other prominent Illinois funders like the McCormick Tribune Foundation invested millions of dollars in early childhood programming and organizing, increasing awareness about the issue and building a powerful network of advocate groups in the state. For more than two decades, these foundations and advocates helped demonstrate the importance of pre-K to citizens across a range of incomes, and have made early childhood programming an issue legislators and gubernatorial candidates can't afford to ignore. More recently, the voice

of Nobel-winning economist James Heckman, a University of Chicago professor, has been enormously influential as well.

The economists in the coalition vouched for the findings of the Perry Preschool study, one of the most-cited analyses of the benefits of early childhood education, which found that spending \$1 now on preschool can save \$17 down the line on the costs for special education, incarceration, and an undereducated workforce. The coalition also includes educators, who stress that students who attend high-quality preschools are 29 percent more likely to complete high school and 41 percent less likely to need special education programs. It also includes law enforcement officers and members of associations like Fight Crime: Invest in Kids, who have made the case that investing in early childhood programs sharply reduces crime rates and later costs to the criminal justice system.

The societal and cost-saving benefits were echoed across the board and in a concerted media campaign, helping show political leaders that it isn't just about doing what is right for children and families—it's about doing what is right for the state. And according to Harriet Meyer, president of the Ounce of Prevention Fund and co-chair of the Early Learning Council, the key to making policy-makers see the value of early childhood programs is helping

them recognize these fiscal benefits.

"It's not kid-loving, feel-good advocacy. It's really a very thoughtful solution to a lot of very expensive social-justice issues we have today," Meyer said. "There's one policy decision to be made, and that is, 'How do you spend scarce resources?' They're falling increasingly on the side of spending it early rather than later, to fix problems."

Advocates held regular meetings with representatives, identifying leaders in the state House and Senate who could help educate their peers and bring more supporters on board, from both sides of the aisle. "[Gov. Blagojevich] has taken a huge role in moving it up to a higher level, but we already had the groundwork for it done," said Beth Coulson, a Republican representative from Glenview, Illinois, who worked closely with advocates to host educational forums for fellow lawmakers and expand the political tent of supporters. Coulson had been a physical therapist and professor of child development at Chicago Medical School for 22 years before coming to the state legislature, making her a natural ally.

By 2003, that political tent was so large that both Republican and Democratic candidates for governor were standing under it. "I think it speaks volumes about the political culture in Illinois that it produced a candidate for governor that explicitly made early learning a part of his platform and a part of his perceived mandate," said Elliot Regenstein, former education policy adviser to the governor and current co-chair of the Early Learning Council. "We had almost perfect conditions for a dramatic expansion of early childhood programs."

Of course, legislators and advocates didn't agree on every detail of the final package, and there are still some very real concerns about limitations on physical space available for new programs and about how to distribute the funds, Regenstein said. Even among the advocate community, there were concerns that the package didn't invest enough in birth-through-3 programming. Down the line, they're hoping more money can go toward children's first years. And each year will be a struggle to get more fund-



ing into the entire Preschool for All program—in just the second year, the budget allocated by the legislature fell well short of the \$69 million increase proposed by the Early Learning Council, though the final details of it were still being hashed out at press time.

PENNSYLVANIA MADE PRE-K A PRIORITY later than Illinois, but its march toward an exemplary early education system bears a lot of similarities: a strong advocacy community, engaged philanthropists, a broad coalition of support, bipartisan leadership, and a solid foundation to build on. Most of all, both states have a governor who came into office already battling for pre-K. When Gov. Ed Rendell of Pennsylvania took office in 2003, early childhood education was at the center of his agenda.

“We have a governor who has been particularly understanding of the foundational importance of early childhood, and he’s understood it from two perspectives—both an educational benefit perspective and the economic development perspective,” said Harriet Dichter, a longtime child advocate who worked for Rendell when he was mayor of Philadelphia. Dichter now heads Pennsylvania’s Office of Child Development and Early Learning, a joint effort of the state’s departments of Education and Public Welfare that was launched in 2004 to bring all early childhood programs under one roof.

Since taking office, Rendell has overseen the first state-level investments in pre-K, and been a stalwart champion for increasing that investment, but there has been a learning process here, too, about how to create a system for funding pre-K that everyone can agree on. In his first budget proposal, for 2003–2004, Rendell requested a \$245 million investment in preschool. In a compromise with legislators, the final budget that year put \$15 million into Head Start, and created a \$200 million Education Accountability Block Grant, which districts could use for preschool if they chose to. The next year, Rendell’s administration pushed the legislature to double the investment in Head Start and increase funding for the block grant, designating \$10 million

for pre-K. In 2006, they asked for and received \$15.7 million for pre-K in the block grant, and brought Head Start funding up to \$40 million.

Meanwhile, the advocacy community, led by groups like Pennsylvania Partnerships for Children and the Delaware Valley Association for the Education of Young Children, worked to build support among policy-makers. The philanthropy community, with groups like the William Penn Foundation and the Howard Heinz Endowments (now The Heinz Endowments) at the forefront, also worked to promote pre-K, and business partnerships from around the state formed to urge legislators to fund pre-K more spe-

cial in the state, says Sharon Easterling, executive director of the Delaware Valley Association for the Education of Young Children. Unlike in Illinois, Rendell has not laid out a promise of universal pre-K, and funding increases will be made on a year-to-year basis. “This is the down payment,” she says. “This is 11,000 kids out of the tens of thousands who need this service.” The progress in both states is incremental—adding new students to the rolls, while raising the level of quality across all programs takes time, extensive funding, and continued support from all constituencies. The hope is that partial expansion of pre-K will build rolling support for comprehensive access.

## The success of early childhood education advocates in the states has set the stage for expanded federal action.

cifically. Advocacy groups helped encourage citizens to send more than 40,000 e-mails to state legislators, and conducted thousands of face-to-face meetings with representatives, training parents and educators about how to lobby in Harrisburg as well. The law enforcement community, teachers’ unions, the Council of Churches, and United Way were all behind it, and in the end, so were most legislators. Much like in Illinois, advocates encouraged legislators to provide funds for pre-K that could reach children through a variety of programs, and put an emphasis on quality, a tactic that helped expand support in the state. By 2007, Rendell’s administration got Pre-K Counts, a \$75 million fund exclusively for pre-kindergarten, available to a variety of programs on a competitive basis—allowing 11,000 additional 3-year-olds and 4-year-olds to attend a high-quality preschool program.

The state is still working out a system to get the preschool funds to the programs and children who need them most, and implementing “quality” improvements presents an additional challenge. And like anywhere, budgetary constraints will always weigh heavily on progress. It will take at least a five-fold increase in funding to make quality pre-K univer-

The model both states have set in motion is helping bring attention to early childhood education at the federal level. In May, Sen. Bob Casey of Pennsylvania proposed the Prepare All Kids Act, a program based in part on his home state’s model that calls for new federal investments in high-quality pre-K, to be matched by state governments. Sens. Hillary Clinton and Kit Bond, a Missouri Republican, have introduced the Ready to Learn Act, which would make federal funds available to states through a competitive process to help them deliver preschool through schools, child-care and Head Start centers, and other community-based providers, borrowing heavily from the success of the Illinois and Pennsylvania models. Rep. Mazie Hirono has introduced a similar measure in the House.

“We see the trickle up effect of pre-K,” says Libby Doggett, executive director of Pre-K Now, a national preschool advocacy group, who is now seeing vigorous efforts among additional states to follow the lead of places like Illinois and Pennsylvania. And she isn’t alone in hoping that state innovation will “trickle up” to Washington, and fill a void in *federal* investments for America’s youngest children that could redound for generations to come. **TAP**



# No Parent Left Behind

*Often, the most effective efforts to intervene in the lives of disadvantaged children start early—or even before they are born.*

BY TARA MCKELVEY

**G**ABBY REYES AND MICHAEL Ortiz are sitting on a couch at their house off Chicago's Fullerton Avenue on an October afternoon with their nine-day-old baby, Michael, curled up between them. Their beagle puppy, Bayle, runs across the living room. Despite the cozy domestic moment, family life came upon Reyes and Ortiz as a surprise—and not a welcome one, either.

"We went into a doctor's office, and they're like, 'Oh, congratulations. You're pregnant,'" Reyes says. "I was like, 'No.' I was seventeen."

Ortiz, who is 18, leans forward on the couch. "I was scared," he says.

"I was confused," Reyes adds.

Reyes dropped out of Kelvyn Park High School when she learned she was pregnant. Luckily, a midwife in her doctor's office recommended a doula program. Doula is a Greek word that means, loosely, "female helper" and describes someone who assists a mother before, during, and after childbirth. Hiring a private doula may cost several thousand dollars and is usually the province of wealthy families. But innovative, community-based programs have emerged in Illinois and nine other states, and are designed to serve women like Reyes, who had hardly planned to end up pregnant at such a young age.

Nearly everyone agrees that planning for a child, rather than falling into a pregnancy accidentally, is preferable. Yet unwanted pregnancies are a distressingly familiar problem, especially in areas where young women have few opportunities for higher education and decent jobs. Better access to contraception, as well as improvements in sex edu-

cation, are important parts of helping to avoid these pregnancies. But when they do occur, the community-based doula programs offer a warm and nurturing environment for the young women and their babies. The programs are part of a national effort to intervene as early as possible in the lives of children born into troubled circumstances. Allowing social workers, nurses, and community leaders into homes of families while the children are still in the womb helps establish solid foundations for the children's futures.

Doula Bridget Lally, 33, started visiting Reyes when she was in her seventh month of pregnancy. They met once a week, usually for 45 minutes, and talked about such topics as natural childbirth and breast-feeding. Once the baby was born, Lally focused on parenting skills. "Before we had a doula, we didn't know anything," says Reyes. She recalls how her family had tried to help her through childbirth. "I was screaming at them, 'You guys suck at this! I need Bridget,'" Reyes says. "She was the only one in a calm voice who was saying, 'Push.' I'm like, 'Okay.'"

Besides Reyes, Lally works with eight other girls who are pregnant or who have recently given birth, including a 14-year-old rape victim ("I call her, 'my little bird,'" Lally tells me), under the auspices of Christopher House, a Chicago family-resource center. Lally and other doulas have relied on the training and methodology provided by the Ounce of Prevention Fund, a nonprofit organization that was founded in 1982 by Chicago philanthropist Irving Harris.

Community-based doula programs have grown steadily since 1996, adding

three to five sites in places around the country per year, says Rachel Abramson, executive director of Chicago Health Connection, a nonprofit agency that has worked in this field for two decades. There are now 34 programs serving 1,800 families annually. A similar program, the Nurse-Family Partnership, which assists first-time mothers, was created in 1977, according to founder David Olds, a professor of pediatrics at the University of Colorado, and now serves 13,000 families in 23 states.

The community-based doula programs and the Nurse-Family Partnership are devoted to families who face not only poverty but a range of social problems, including child abuse, substance abuse, and crime. These are just two of the better known models—there are several other promising approaches—but they represent a range of programs that include everything from parenting groups to counseling for young mothers who may have been victims of sexual abuse. The programs are supported by a mixture of private and state funds—a fact that could change with the election of a new president in 2008. They have attracted the attention of Hillary Clinton and John Edwards, whose anti-poverty platform offers grants for states to replicate the home-visiting model for another 50,000 families. Barack Obama, meanwhile, has joined fellow Illinois senator Dick Durbin to earmark approximately \$1.5 million in federal funds for community doula programs nationally. In addition, a diverse group of leaders in the law-enforcement, public-health, and business communities, as well as philanthropists such as J.B. Pritzker, a managing partner with the Chicago-based Pritzker Group, have supported these efforts.

"For every dollar invested in early childhood in health care and so on, you save seven to seventeen dollars in government spending over the life of these children," Pritzker tells me. "They tend not to go to jail. They stay healthy. With these programs, you have something that works." To that end, he helped found the Pritzker Consortium on Early Childhood Development last year at the University of Chicago.

IT IS LATE AFTERNOON AT THE MARILLAC Social Center, located in a crumbling building on Chicago's West Side. Upstairs, across from a hallway that smells like apple juice, Loretha Weisinger, a 51-year-old doula, talks with colleagues about one of their clients. "She was holding the baby like this," says Weisinger, her arms ramrod straight, imitating the 16-year-old mother. "She was saying, 'You're going to look at me whether you like it or not!'"

Weisinger says she has tried to show the mother how to hold her baby close to her chest and speak gently. She knows the challenges a teenage mother faces. At 16, Weisinger had her first child. That morning at Marillac, she says, she told the client they would teach her infant massage. "She smiled and said, 'Oh, can we do it now?' She was happy," Weisinger recalls. "It's still early, but she is easing off the harsh talk."

It is a small step, part of the detail-oriented approach to improving the lives of children and families that the community-based doula programs and

*Oppressed*. "We believe that the power to change already exists within communities. It needs to be tapped."

Nurse-Family Partnership founder Olds, 59, says he knew early on that he wanted to help people out of poverty—partly because he had been raised on the edge of it himself, in Ohio. In the 1970s, he worked at a Baltimore day-care center where, he recalls, "I witnessed one little boy being slapped in the face and screamed at."

"I realized that for a lot of children in my classroom, it was a little late," he says. The solution, he and Abramson agree, is to reach the children long before they get to child care or school. The results are impressive.

The Nurse-Family Partnership gives taxpayers a solid return on their investment, according to Steve Aos, author of a Washington State Institute for Public Policy report on early childhood development programs. The cost of the Nurse-Family Partnership program averaged \$9,118 per family in 2003, and the benefits, accrued through the prevention of

five years as a way to "promote sound prenatal care and the healthy development of infants and toddlers."

THE BENEFITS ARE IMMENSE—BUT SO are the difficulties. Many of the doulas themselves are teetering on poverty. Sitting in the Marillac conference room, doula Peggy Brewer, 45, says she is struggling to support herself and two foster children on her \$10.90-an-hour salary. And the harsh reality is that Brewer and her colleagues in similar intervention programs are often trying to counteract years of abuse, neglect, and other dysfunction. She describes one client—a 13-year-old in a ponytail—whose mother left the delivery room momentarily and then returned with white powder on her mouth.

"Smoking crack," says doula Weisinger.

"It was grossing me out," says Brewer, rubbing the sides of her own mouth.

The girl lived in a house without a door, says Brewer, and after having her baby she would come to the center and ask for help. "The baby's hair wasn't combed," Brewer recalls.

"—and was in soggy pants," Weisinger says.

They eventually lost track of the girl as well as many others they have tried to help. "It affects your sleep at night," Brewer says. "Some of these girls are homeless and have nowhere to go."

In many other cases, though, the young women learn how to become caring and affectionate parents. Today, Reyes is planning to study for her GED and wants to work as a dance teacher. Ortiz says he hopes someday to own a barbershop. Reyes recalls how frightened she was of giving birth and becoming a mother—until Lally helped her through the process. "She had me write down things like, 'Go into postpartum depression' and 'Be a bad mom,' on strips of paper. I read them out loud and tore them up. I felt like I was throwing that fear away. Now I think sometimes I'm going crazy," she says, describing the exhaustion she has faced while caring for a newborn. "But I don't think I'm a bad mom." **TAP**

## Parenting programs differ, but the goals are the same: To help first-time moms give their kids the best possible start in life.

the Nurse-Family Partnership offer. The two programs differ in their methods and intensity of services. The doula program features people like Weisinger, who has been trained as a labor coach but has no formal degree in the health profession, and lasts three to nine months, whereas the Nurse-Family Partnership relies on registered nurses to provide assistance, and continues for more than two years. But the goals are the same: to help first-time mothers give their children the best start in life they can provide. Both programs are steeped in 1960s idealism and have empirical data that back up claims of success.

"There is a political principle to doing this community-based model," says Chicago Health Connection's Abramson, 54, who cites radical Brazilian educator Paulo Freire, author of *Pedagogy of the*

crime, substance abuse, and other problems, were \$26,298. In the short run, participating mothers received better prenatal care and suffered fewer risk factors. In addition, a study published in October's issue of *Pediatrics*, the journal of the American Academy of Pediatrics, looked at families seven years after they completed the program. It showed that mothers were less likely to have subsequent births or rely on welfare, and that their elementary school-age children earned higher grades and test scores than their peers.

On the strength of such evidence, a 2007 report by Brookings Institution scholar Julia B. Isaacs singles out the nurse home-visiting model as one that merits "expanded federal funding even in a time of fiscal austerity." It recommends an investment of \$14 billion over the next



# From One Generation to the Next

*Poor health at birth is one key channel through which economic status is passed from parent to child. Smart policies can lift kids beyond the poverty of parents.*

BY RUCKER C. JOHNSON

THE U.S. TAKES PRIDE IN BEING A land of opportunity, and Americans maintain the core belief that hard work and determination are rewarded. But, how level is the intergenerational playing field, and what factors underlie the intergenerational transmission of economic status and well-being? If we hope to reduce the transmission of poverty from one generation to the next through effective policy interventions, we need to know the answers.

Compared to most other high-income countries, the United States today has an unusually low level of intergenerational mobility. Successful parents tend to have successful children; their earnings typically are highly predictive of their children's income as adults. Research by American University economist Tom Hertz, among others, has shown that mobility from one generation to the next in the U.S. is now lower than in France, Germany, Canada, and the Scandinavian countries. Only the United Kingdom is less mobile than our own society. How can this be?

Education and race are among the variables that help predict mobility. So, too, is health. Poor health at birth is one key channel through which economic status and well-being is transmitted from parent to child. Again, compared to the nation's richest countries, the U.S. ranks at or near the very bottom in almost every measure of health: infant mortality, low birth weight, life expectancy, and more. Research has shown that black men in Harlem are more likely to die before 65 than men in Bangladesh. The main causes of death in poor black communities aren't only homicide, drug abuse, and AIDS, but a seemingly more benign litany that includes "unrelent-

ing stress," cardiovascular disease, cancer, and untreated medical conditions.

Studies highlight early childhood as a critical period for brain development and for setting in place the structures that will shape future cognitive, social, emotional, and health outcomes. Limited parental resources, including child poverty and lack of health insurance, and its attendant stressors have the potential to shape the neurobiology of the developing child in powerful ways, which may lead directly to worse health later in life.

Let's take the case of low birth weight. A study I co-authored with Robert Schoeni finds that babies born too soon or small suffer significant detrimental effects. Low birth weight—defined in medical convention as less than 5.5 pounds—increases the probability of dropping out of high school by one-third, reduces later earnings by about 15 percent a year, and burdens people in their 30s and 40s with the health of someone who is 12 years older. Our study, the first to link birth weight with adult health and socioeconomic success using a full, representative sample of the U.S. population, provides a detailed look at how well-being and disadvantage are transmitted across generations within families.

The poor economic status of parents during pregnancy leads to worse birth outcomes. In turn, these negative birth outcomes have harmful effects on children's cognitive development, health, and educational attainment, and also on their health and economic status in adulthood. These effects then get passed down to the subsequent generation when the children, who are now adults, have their own children.

Not only does low income and lack of

health insurance for parents increase the likelihood of poor birth outcomes, but the effects are cruelly compounded for their kids: The lack of health insurance intensifies the negative impact of low birth weight.

## INTERVENE, BUT HOW?

Evidence like this is a report card that shows how the life chances of poor children are being undermined. Even more importantly, it is a challenge to do better. Being born at-risk does not have to be a life sentence for our children. The policy implication is that better access to health insurance and better prenatal care for low-income women may have significant effects on economic mobility. Policy measures can, and should, be designed to reduce the importance of these mechanisms if we wish to promote equality of economic opportunity.

There is the old adage that hereditary risk factors load the gun, but environmental risk factors pull the trigger. This suggests that intervening early—and in ways that are based on the research evidence—has the best chance of improving a child's health and well-being far into adulthood.

Reducing the incidence of low birth weight, for instance, is a far more cost-effective policy than relying only on high-tech neonatal care. Low birth weight infants account for a large and disproportionate share of public-health expenditures: More than one-third of the dollars spent in the U.S. on health care during the first year of life can be attributed to low birth weight, even though these infants account for less than 10 percent of all U.S. births.

We know, for example, that smoking during pregnancy doubles the risk of a low-weight birth. We also know at least one public policy can modify that risk: higher cigarette taxes, which have been proven to curb smoking among pregnant mothers, among others—and to correlate to an almost immediate drop in the risk of low birth weight. Yet because only a minority of pregnant women smoke and the vast majority of low-weight births are to nonsmokers, even large cigarette-tax hikes have only a mod-

est impact on aggregate infant health.

A more sweeping public-policy lever, of course, involves efforts to expand and promote the best possible prenatal care for the widest possible group of mothers. The evidence finds that women with more prenatal-care visits have children with lower rates of low-weight births and a host of other positive outcomes. Conversely, prenatal visits missed by at-risk mothers early in pregnancy have demon-

weight. This work can assist in shifting the goal from symptom *amelioration* to disease *prevention*. The seeds of vulnerability to chronic health conditions are planted early in life, possibly in utero.

The learning and aging processes begin at conception. The uneven distribution of educational attainment and health disparities linked to socioeconomic status may be ameliorated through policy initiatives that link quality early childhood

some retrenchment of supports such as the State Children's Health Insurance Program and child care—policies clearly associated with helping the working poor get ahead. And as others in this special report argue forcefully, we must improve access to comprehensive early childhood services for expectant parents, babies, and toddlers at greatest risk. The earlier family support and educational enrichment are provided, the better the outcomes.

A policy based on evidence from research on the social determinants of health and that integrates income-support policies at various stages of life could do more than just make us healthier: It could also improve educational attainment, reduce income inequality, and promote economic growth. If we really want to reduce the economic and social costs of health disparities, poverty, and crime, then we must confront its early roots.

#### HIGH STAKES

Behind the childhood poverty statistics is a face of impoverishment and the lost potential of our children. Being poor robs children of life chances, and sometimes their very lives. Those without the head start of family assets have a much steeper climb out of poverty. Social policy needs to ensure income sufficiency, while simultaneously increasing investments in the assets of the poor, so that they can take advantage of opportunities throughout their life course.

The seeds of failure in school are sometimes sown long before high-risk children enter school. If we do not face the challenge head-on to provide the highest quality compensatory programs for our neediest children in their earliest years, then we better prepare for the consequences later on. Our national commitment to equal opportunity and economic efficiency requires that we take these statistics seriously, gain a better understanding of the mechanisms at work, and pursue policies that will allow all Americans to reach their full, productive potential over a long and healthy life. **TAP**

*Rucker C. Johnson is assistant professor at the Goldman School of Public Policy, University of California, Berkeley.*

## If we fail to help our neediest children in their earliest years, then we will suffer far more serious consequences later on.

strable negative effects. Findings on the impact of good prenatal care were a driving force behind recent expansions in the Medicaid program, and in the stated goals of the U.S. Public Health Service, as outlined in the federal government's Healthy People 2010 initiative.

The targeted Medicaid expansions of the late 1980s came at great cost to taxpayers, but had the potential to offset huge and costly long-term consequences associated with risky pregnancies. Just like in manufacturing, it costs a lot more to fix defects at the end of the assembly line than to do it right at the outset. Here too, though, the tremendous potential payoff of a wise policy intervention has its limits: Although Medicaid eligibility expansions over recent years have increased the percent of births paid for by Medicaid from 15 percent to 40 percent, many women *still* fail to obtain adequate prenatal care, enrolling in Medicaid at the point of birth rather than before. This pattern of delay means that Medicaid ends up sponsoring expensive treatment for gravely ill infants, rather than preventing their illnesses through adequate prenatal care.

Taken together, this research shows that more effective policy interventions to ameliorate the burden of disease and the economic cost to the health-care system are feasible. The economic drain may be reduced by greater investment in early life interventions, particularly those that decrease risks of low birth

care, preschool, and positive parenting in a seamless continuum with strengthened K-12 education.

Yet from a public-policy perspective, we have allowed a massive mismatch between the opportunity to positively influence an individual's healthy development during childhood—when they are most malleable—and the other public investments we make in education and health services into adulthood. U.S. health policy has traditionally been more rehabilitative in its approach to health promotion, as opposed to developing targeted programs that address socioeconomic dimensions of family and neighborhood environments, within which individual health differences may be better understood and more efficiently targeted. There are critical periods early in life that represent windows of opportunity to affect conditions that can have a profound impact on economic mobility patterns and health later in life. This understanding should guide policymakers toward programs that build a bridge between childhood and early adulthood, especially for the poor, so that fewer individuals arrive at the doorstep of adulthood with accumulated—and irreversible—exposures.

There exists a gap between what we know about the earliest years of life and the public policies that support families with infants and toddlers in the U.S. There has been limited expansion of work supports in recent years, and even



# Continuing the Investment

*Improvement can't stop at kindergarten. Top-notch "early education" must extend to 3rd grade—and beyond.*

BY SARA MEAD

**D**EEP CREEK ELEMENTARY SCHOOL is an education success story. In 2001, Deep Creek, where more than three-quarters of students come from low-income families and 80 percent are black or Hispanic, was one of the worst elementary schools in Baltimore County, Maryland. Its third-graders were reading at a first-grade level. But the new principal, Anissa Brown Dennis, expanded collaboration and professional development for teachers, implemented an aligned reading and math curriculum from pre-K through third grade, and offered summer learning and after-school programs for struggling students. Today, nearly three-quarters of Deep Creek students read on grade level, teacher and student morale is up, and the school has received local, state, and national recognition for its improvement. The key to Deep Creek's transformation: a clear vision of high-quality early education, starting in pre-K and continuing through third grade.

Advocates of universal pre-K are nothing if not visionary. They view universal pre-kindergarten as not just an end in itself but also a first step toward much more comprehensive public social welfare programs for preschool-age children and their families: prenatal care, parental leave, universal children's health care, and quality child care. For these advocates, the case for universal pre-K is also the case for new state-level systems, policies, and institutions that would serve children from birth through preschool.

Curiously, there's much less discussion of pre-K's potential to spur improvement in the schools children enter after they leave pre-K. The phrase "school readiness" is illustrative: If pre-K gets kids ready for school, then it's not school. As a result, school reformers focus on kindergarten through high school and stay away from

pre-K advocacy, while early childhood advocates tend to focus on birth to age 5 and steer clear of school reform. That's a mistake. The universal pre-K movement isn't just about offering another social service: Pre-K advocates are actually building a whole new system of public education, and that has implications for the existing K-12 public education system. Without significant improvements in the public schools that children move on to after preschool, the pre-K movement will struggle to deliver promised results.

RESEARCH SHOWS THAT HIGH-QUALITY PRE-school has a positive impact on children's lives: Adult alumni of high-quality preschools have higher education attainment, employment, and earnings, and are less likely to be involved in crime than adults from similar backgrounds who didn't attend pre-K as children. Kindergarteners who attended good preschools also have stronger cognitive and academic skills than children who did not.

The trouble is, these academic differences disappear by third grade—a phenomenon known as "fade-out." That's fodder for conservative pre-K critics. During the 2006 debate over a referendum to establish universal pre-K in California, the Heritage Foundation, Reason Foundation, and other conservative groups published articles highlighting fade-out. The referendum failed. In an era of education accountability, politicians and the public expect preschool investments to improve elementary school test scores, so fade-out can undermine support for early education programs.

But evidence shows that fade-out is not a failure of pre-K; it is more deeply connected with children's ongoing education. Research by economics professors Janet Currie and Duncan Thomas

has found that African American children who attend Head Start programs disproportionately go on to attend lower-performing public schools—and this accounts for much of the fade-out in Head Start's academic results.

Rather than fearing fade-out, or trying to downplay it, pre-K supporters should highlight it as an argument for improving early elementary school programs. Education reformers and pre-K advocates should join forces to promote a comprehensive reform package that starts with high-quality, universal preschool for all 3-year-olds and 4-year-olds whose parents want it, followed by universal full-day kindergarten, to give kids more time to learn. In this vision, goals for children's learning and development—including not just academics but also physical, social, and emotional development—would be clearly articulated and extend from pre-K through third grade in a seamless progression. Lead teachers would all meet the same high-quality standard—a bachelor's degree and demonstrated knowledge of how young children learn. This would allow teachers to work collaboratively across grade levels, so each year's learning builds on what children already know. (And ideally, talented preschool teachers without formal degrees would receive support and funding to pursue further schooling.)

The entire system would focus on ensuring children finish third grade with the skills they need to succeed in the next level of their education. Third grade is a turning point when children shift from learning to read to reading to learn. Children who can't read and do basic math well by then are unlikely ever to catch up. Indeed, proficiency by third grade is so critical that at least four states are known to use third-grade test scores to predict how many prison beds they'll need years later, reports the National Center on Education, Disability and Juvenile Justice.

CRITICS OF THE UNIVERSAL PRE-K MOVEMENT sometimes fret that pre-K advocates want to "extend public schooling down," to serve younger children for whom it's not appropriate. In fact, public education would actually benefit from extend-

ing some characteristics of high-quality early childhood programs *up* into public elementary and secondary schools.

This is precisely what happened at Deep Creek Elementary School and dozens of primary schools across the country that have implemented similar reforms. There, educators don't see preschool as just an add-on. Integrating pre-K and other early childhood programs with existing elementary schools can actually spur those schools to serve children better in the years following pre-K.

Let's look at the details: Most high-quality preschool programs focus on developing children's social and emotional competencies—self-control, sticking with difficult tasks, resolving conflicts verbally rather than by force—as well as academic skills. They build connections with parents and communities—sometimes even using community-based providers to deliver early childhood education. They also often provide comprehensive services—nutrition, health screenings, and parent education and involvement—to address the myriad challenges that make it difficult for many children to succeed in school. These features are part of what make preschool programs successful, but too often they are woefully missing from elementary schools that are emotionally barren, devoid of resources to respond to the non-educational problems children bring to school with them, and disconnected from parents and communities. As advocates work to build publicly funded pre-K systems that emphasize social and emotional development, community connections, and comprehensive services, they're creating proof points that demonstrate how entire public education systems can deliver these things—and why they must.

The universal pre-K movement also offers public education advocates and reformers models for academic reform. Changing existing systems is incredibly difficult; because states are building universal preschool systems from the ground up, there is more space for innovative thinking than in the established public education system. When it comes to evaluating the quality and effectiveness of schools and pre-K programs, for example, pre-K accountability systems use a much

broader definition of quality than No Child Left Behind. Some use child assessments to measure pre-K learning, but they also look at resources and what actually goes on in pre-K classrooms: What kind of activities are children engaged in? How do teachers interact with children? A recent report from the National Early Childhood Accountability Task Force describes promising state and local models to evaluate the quality of pre-K programs. These models can help educators develop more nuanced ways to measure quality in public elementary and secondary schools.

States must also build new systems of teacher preparation and professional development to help experienced preschool teachers who lack a bachelor's degree meet new, higher education standards. Education reformers have long bemoaned the quality of K-12 teacher preparation and certification: Too often these programs fail to equip teachers with the skills to effectively teach diverse stu-

dents, while their cost and time demands dissuade some potentially good teachers from entering the profession. New models to prepare preschool teachers could provide a potential leverage point for broader changes in K-12 teacher training.

Early childhood advocates and school reformers should be natural allies in building a better future for children, but too often they operate in separate spheres. The expansion of the pre-K movement, and the need to combat fade-out, create an opportunity to bridge that divide. By working together to build high-quality pre-K programs, education reformers and pre-K advocates can also open the door for improvements in the elementary and secondary education system. This kind of collaboration can make stories like Deep Creek's not the exception but the rule. **TAP**

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*Sara Mead is a senior research fellow with the New America Foundation.*

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## Child-Care Pay, Child-Care Quality

*Decent early childhood education requires well-trained and compensated educators.*

**BY MARCIA K. MEYERS**

**H**IGHER QUALITY OF EARLY education and child care will require a better-paid and better-qualified work force. Making progress in these areas is also a matter of economic justice and of employment equality for the overwhelmingly female child-care work force.

The estimated 2.5 million adults who are paid to care for children are among the lowest earners in the U.S. According to an analysis of Bureau of Labor Statistics data by the Center for the Child Care Workforce, the average annual income of workers in child-care centers was just more than \$18,000 in 2004—nearly \$27,000 less than kindergarten teach-

ers, and some \$35,550 less than flight attendants. The estimated 76 percent of all paid child-care providers who work in homes earn even less than those who work in centers.

Paid child care has increased steadily in recent decades. Between 1985 and 1999, the percentage of all families with employed mothers who paid for care for their children (from birth to age 14) grew from 34 percent to 43 percent. Yet the wages of child-care workers increased by an anemic 3.23 percent in inflation-adjusted dollars between 1999 and 2004.

Why are child-care workers faring so poorly when their services are in such



high demand? Mainly because most care is paid for by families—and those in greatest need have the most meager resources. Although federal, state, and local government expenditures for child-care assistance are now estimated to exceed \$20 billion annually, most of this assistance is provided through means-tested subsidies received by only a fraction of low-income working families, or through modest federal and state tax credits for out-of-pocket expenditures. So parents and other family members continue to pay most of the costs of care.

Our recent study of child-care costs in New York City—which has one of the most extensive systems of public child-care provision in the country—found that 80 percent of families used some form of paid care. But only about one-quarter received any assistance through subsidies, tax credits, or enrollment of children in public preschool programs.

Child-care workers in some parts of the country, most recently in New York City, have successfully organized to bargain for higher wages. These efforts have been most successful, however, when the employers have been public programs or large child-care centers that can charge relatively high fees to at least some families. But absent a national commitment, the prospects are dim for dramatically increasing compensation.

THE BEST MODELS ARE PROVIDED BY countries of Northern Europe with extensive public child-care systems. Sweden and Denmark, for example, serve half of 1-year-old and 2-year-old children, and nearly all of those between 3 years and 5 years of age, with comprehensive “educare” programs that stress child development, not just baby-sitting. Belgium and France provide another model, with more limited care for the youngest children but nearly universal enrollment of children from the ages of 2 and a half to 3 in the public *école maternelle*.

These Northern European governments pay most of the costs of their child-care programs, with sliding-scale parental contributions averaging about 15 percent for some services. The burden

on parents is far smaller in these countries, and there is no tension between what parents can pay and what workers can earn. Employed parents in France, for example, pay about 8 percent of their incomes for the care of very young children and 3 percent to 5 percent for the care of 3-year-olds to 5-year-olds. This is in sharp contrast to an estimated 10 percent of income paid, on average, by U.S. parents, and the 21 percent to 22 percent paid by U.S. parents with incomes in the bottom income quartile.

Child-care workers in these European countries are both highly educated and well compensated. In the U.S., child-care workers earn just more than one-half of the average annualized wage of all employed women in the country; preschool teachers earn about two-thirds

that. In Denmark, Sweden, and Belgium, child-care professionals earn as much and often more than the average income of all women in the same country.

In the U.S., the lack of social provision creates a nearly insurmountable barrier to increasing the pay and qualifications of child-care workers. The fact that a small fraction of affluent families uses private nannies makes coalition politics on behalf of publicly financed child care that much more difficult. But as the parents in the working middle class find themselves increasingly with the same financial stresses as the working poor, that blockage could change. **TAP**

*Marcia K. Meyers is professor of social work and public affairs at the University of Washington.*

## Nature, Nurture, and Destiny

### *The Bell Curve revisited: What science teaches us about heredity and environment*

BY DAVID L. KIRP

IN MAKING THE CASE FOR BETTER early education programs, advocates rely heavily on bench science. Neuroscientists are summoned to demonstrate the palpable impact of severe deprivation in the first years of life—recall the horrific accounts of the Romanian orphans—and to show, with vivid MRI images, how early experience builds the scaffolding for everything that follows, as the brain incorporates early experience into its biological structure.

Mention genetics, however, and the advocates immediately change the subject. Those with an appreciation of history know that the American Eugenics Movement proposed sterilizing the “unfit” and that Hitler’s Germany used the research for unspeakable purposes. When psychologist Richard Lerner wrote about the misuse of genetics, he pointedly titled his book *Final Solution*. And you don’t have to be a history buff to recall that,

in the mid-1990s, *The Bell Curve* became the bible of social conservatives with its conclusion that genetically-based IQ deficiencies of African Americans explain their disproportionate rates of poverty and incarceration, and that early education was a waste of money. Most recently, eminent scientist James Watson opined that he was “inherently gloomy about the prospect of Africa” because “all our social policies are based on the fact that their intelligence is the same as ours—whereas all the testing says not really.” Science must address questions of genetics and intelligence, he added, though the answers may be “cruel.”

But as widespread denunciation of Watson’s remarks suggests, liberals no longer have to fear genetics. Quite the contrary—the “heredity versus environment” model, the intellectual underpinning of *The Bell Curve*, is itself wrong. A new generation of studies shows that

genes and environment don't occupy separate spheres, that much of what is labeled "hereditary" becomes meaningful only in the context of experience. When it comes to explaining life outcomes it's not nature *versus* nurture but nature *through* nurture. What's more, in the topsy-turvy social world in which many poor kids grow up, it's almost all about nurture.

Such findings give added scientific heft to the preschool research that shows the effects of high-quality early education on an array of life outcomes. Those iconic studies demonstrate that early educational experiences can make a major difference. Genetics, no less than neuroscience, helps to explain why.

#### ENVIRONMENT 101

Over the years, studies of adopted children have found that their IQ scores are considerably closer to their biological parents' scores than to their adoptive parents' scores. That led geneticists to a logical conclusion: Intelligence is mainly inherited. But the newest research, looking at a range of other variables—especially poverty—has upended the conventional wisdom by showing the profound importance of the environment on later aptitude.

In one instance, experts tracked French youngsters from hardscrabble backgrounds—abusive homes, impersonal institutions, multiple foster care placements and the like—whose IQ scores averaged just 77, borderline retardation. Nine years after they were adopted, all of their scores had improved. Those adopted into affluent families jumped the most—their progress was directly associated with their new socioeconomic status. The only, and crucial, difference among these children was the lives they'd led after being adopted.

Other research, notably by University of Virginia psychologist Eric Turkheimer, has focused on outcomes for twins, the gold standard in the field. Earlier research had shown that IQ differences were considerably smaller for identical than for fraternal twins, a finding consistent with the hereditarian view. But Turkheimer was the first researcher to

focus on IQ differences between twins from poor and non-poor families. The key finding: Variations in IQ scores for twins from well-off families are mainly genetic, while heredity explains almost none of the IQ differences for twins in the poorest families. The impact of growing up poor overwhelms these children's genetic capacities.

Some of the most exciting work in the field of molecular genetics today aims at specifying the genes associated with diseases ranging from cancer to Alzheimer's, with the eventual hope of finding a cure. There is also an ongoing search for the "intelligence gene" or genes that can explain variations in intelligence, a hunt for the biological source of general intelligence. But that research, most scientists now believe, will confirm what the research on twins and adoptions has shown: The impact of heredity and environment on IQ is indelibly intertwined.

For years, molecular genetics focused on finding "candidate genes"—the genes *for* a specific condition. There have been a few successes, Alzheimer's among them, and some spectacular failures, such as the supposed "manic depression gene" among the Amish. Identifying a gene is only the first step in establishing the pathway to any condition. Specifying that pathway means identifying the environmental influences on gene expression, the key process that determines the functional operation of genes.

Many scientists are now shifting gears. "Rather than trying to find the gene that causes a particular outcome," notes Thomas O'Connor, a psychologist at the University of Rochester Medical Center, who is studying the long-term impact of prenatal stress, "we said, 'let's think about how it's mediated through environmental risk.' Rather than, say, trying to link a serotonin transmitter directly to depression, it makes better sense to think about a genetic predisposition that's literally turned on or off by life risks."

Groundbreaking recent research has shown specific instances in which variations in the environment determine actual "gene expression"—that is, the form, or allele, the gene takes.

In large-scale studies in New Zealand, psychologists Avshalom Caspi and Terrie Moffitt have demonstrated that MAO, the gene linked to aggressive and potentially violent behavior, is effectively deactivated when an individual grows up in a caring family. A relatively stress-free home life has the same



**Beyond Genes:** An Australian study of identical twins like Christian and Noah Merrett found that the ability to read and spell is 50 percent inherited, with the other half attributed to upbringing and schooling.

benign effect on the 5-HTT gene, which helps regulate the brain's production of serotonin, a neurotransmitter likely linked to depression. Similarly, Finnish researchers have established that a child's environment can moderate the effect of the gene, DRD4, which is linked to thrill-seeking.

These studies offer genetic confirmation of earlier investigations that relied on clinical assessments to show that parents have a big influence in structuring children's worlds. And those early experiences have a powerful, long-lasting impact on children's resilience to many kinds of stress. "We're learning that it doesn't matter whether we're looking



at gum disease, heart disease, cancer, depression, or risk-seeking,” says Moffitt. “There’s no straight genetic effect—the vulnerability only emerges in circumstances of environmental risk.”

Scientists have begun to trace these vulnerabilities back to the womb. “We’re showing the persisting effects of stress in pregnancy on kids,” says O’Connor. “We have been desperate to treat anxious, pregnant women, to see if making them less anxious will have an effect on the kid,” he adds. “If responses to stress are tied to the immune function, psychological outcomes, maybe intelligence, then all bets are off. We could save the world by making moms less stressed in pregnancy.”

In a series of animal experiments, Moshe Szyf and Michael Meaney at McGill University’s Medical School have knocked another hole in genetic fatalism. Even when the structure of a gene isn’t altered, the expression of individual genes can be permanently changed by changing the environment. Szyf and Meaney assigned rats born to anxious mothers, who didn’t give their offspring adequate maternal licking, to high-licking rats. Not only did the nurturing behavior of these “foster” mothers change the pups’ behavior—they grew up to be calmer and smarter—but the maternal grooming altered the mechanism in the baby rats’ brains that regulates stress hormones. That alteration in brain chemistry persisted into adulthood: Even though there was no change in the underlying gene, the offspring of these well-raised rats were less anxious as well.

#### THE IQ GENE?

Since the early 1990s, scientists have been on a quest for the gene—or, more likely, the cluster of genes—“for” IQ. So far they haven’t been successful. Identifying a gene that significantly contributes to a well-defined disorder is hard enough, because of the interactions between nature and nurture described above. An even more sophisticated array of interactions makes the quest for an “intelligence gene” seem quixotic.

Even if a cluster of genes were found to be associated with IQ, the implica-

tions aren’t obvious. This wouldn’t show definitively that IQ is “real.” After all, as Eric Turkheimer points out, “You could make up a concept, like being a good speller with big feet, and find genes that are associated with it.” Complex social and biological concepts like intelligence don’t allow for easy answers.

Robert Plomin, an internationally renowned molecular geneticist, and his research team at the University of London thought they had solved part of this puzzle in 1998 when they located a gene that was statistically associated with high SAT scores. That gene accounted for just 2 percent of the variance, though, and when the scientists redid the study in 2002 they couldn’t replicate the result.

## When it comes to explaining life outcomes, it's not nature versus nurture but nature through nurture.

To a thoughtful skeptic like Turkheimer, “Rooting around in the brain to find [a gene for intelligence] is a mistake.” University of Sydney psychologist Dennis Garlick adds that even if such genes were found, “it is still a long road from identifying the genes responsible for intelligence to actually understanding what they do, and hence understanding how intelligence is inherited.”

Genetics has traditionally been the redoubt of the hereditarians, but contemporary science is telling a different story. “I am skeptical that genetic work ever will provide an understanding of the basis of intelligence,” says Sir Michael Rutter, professor of developmental psychopathology at the University of London. “It doesn’t really matter whether the heritability of IQ is this particular figure or that one. Changing the environment can still make an enormous difference.”

Appreciating how genes do their work is the heart of the matter, and this is where the infinitely intricate mechanisms of interplay between nature and nurture once again claim center stage. “Everything interacts with everything else,” says Turkheimer. That conclusion unites cutting-edge

research in genetics and neuroscience.

Across a wide array of disciplines in the natural and social sciences—developmental and behavioral neuroscience, genetics, medicine, cognitive and developmental psychology, among them—researchers are converging on a new understanding of human development, one that emphasizes the interplay of nature and nurture. The connections between neuroscience and molecular genetics are especially tantalizing.

Brain science focuses on the pathways of the brain, while molecular genetics looks at what’s being transmitted along those pathways. “Of all the developments that have contributed to neuroscience in the past two decades,” observes Nobel Prize-

winning neurophysiologist Eric Kandel, “none has had a greater impact than the application of molecular genetics.”

The hope is that this synthesis will reach beyond science, with its promise of elegant answers, to take account of the blooming complexities that real life introduces into the mix. That’s the ultimate promise in this research—relating findings in the laboratory to the processes of brain development over the course of a lifetime. When that day comes, the brain scientists and geneticists will be able to speak with specificity to parents and educators about the circumstances in which their young charges are most likely to thrive. Meanwhile, their findings bolster advocates’ arguments—no less than parents’ intuitive sense—that early education can have a profound impact on the future of a child. **TAP**

*David L. Kirp is a professor at the Goldman School of Public Policy at the University of California, Berkeley. Excerpted by permission from The Sandbox Investment: The Preschool Movement and Kids-First Politics. Harvard University Press, Copyright © 2007 by David L. Kirp.*

# “Kids First” Politics, Round Two

*Progressives now have a chance to push a political agenda favoring investment in children. What can the second wave of children's politics learn from the first?*

BY MARK SCHMITT

THE BLUE-RIBBON COMMISSION HAS AN INAUSPICIOUS history in American public policy. Most often, assembling a dozen or two bipartisan grandees to deliberate soberly about a problem for several years is merely a way of evading the problem.

But there are exceptions. Though it will probably pass unnoticed, Dec. 22 of this year will mark the 20th anniversary of the creation of one of the most successful policy commissions in modern U.S. history: The National Commission on Children. Chaired by Sen. John D. Rockefeller IV, the esteemed group four years later issued a report, *Beyond Rhetoric*, which was most notable for its unanimity. Without dissent, though not without struggle, 32 members—who ranged from former Health and Human Services official and abstinence advocate Wade Horn, Allan Carlson of the paleo-conservative Rockford Institute, and Kay Coles James (later of the Bush administration and Regent University) on the right, to Bill Clinton and Marian Wright Edelman on the left—accepted recommendations for a \$1,000 refundable tax credit for children, improvements to child-support enforcement, a health-care program for children and pregnant women, and more investment in child care and Head Start.

While the unanimity was impressive, the report's reception suggested that the title *Beyond Rhetoric* was meant ironically, since the recommendations, and their \$52 billion annual price tag, seemed hopelessly unrealistic at the time. Rep. Patricia Schroeder dismissed the report, predicting that “people are going to cite it for about a month” before it would be forgotten, and Douglas Besharov of the American Enterprise Institute charged that it was “so unrealistic it threatens to divert attention from the incremental increases that were ready to happen this year.”

But then a funny thing happened on the way to irrelevance: Almost every one of the commission's recommendations became law. The State Children's Health Insurance Program passed six years later. A child tax credit became law the same year, and later was expanded, and made partially refundable as of 2001—so that working families who don't pay income tax would get a benefit. All the recommendations for child-support enforcement passed, and have since contributed to dramatic increases in collections on behalf of American children. Today, child support lifts more than a million kids out of poverty annually. The commission's, and Rockefeller's, most notable

achievement might not have been legislative, but in co-opting prominent social conservatives and forcing them to acknowledge that if they cared about families and children, they had to put the federal government's money where their mouths were. Much of what became the first President Bush's “kinder, gentler nation” and the second's “compassionate conservatism” stemmed from that moment of apparent consensus.

THE COMMISSION ON CHILDREN WAS THE CENTERPIECE OF WHAT might be called the first wave of kids-first politics. Beginning in 1985, when Arizona governor Bruce Babbitt devoted his entire State of the State speech to children, earning ridicule from the state's leading paper for talking about “quiche” rather than the “meat and potatoes” of Arizona politics, the idea began to take hold that children could lead us to the restoration of the promise of liberal politics. Just as Social Security and Medicare set the stage for activist government by protecting the elderly, supports for children would restore the sense of cooperation and mutual obligation that had been lost in the Reagan era.

A couple of years later, a memo from pollster Stanley Greenberg entitled “Kids as Politics” argued that despite the temptation to “view kids as soft, secondary and timeless ... ‘kids’ in the present period are different. ... When candidates talk about kids,” he contended, “they are talking about the fundamental economic and social terrain on which Democrats must run.” Improvement in the living conditions and future prospects for children was not the only or even the primary goal. Rather, kids would help Americans “rediscover government”: “Kids bring the Democrats back into the homes of average voters, speaking about economic issues of a fundamental sort. ... Kids and public policy are a natural and credible combination.”

Twenty years later, while kids-first politics has been a policy success, it has not quite lived up to Greenberg's expectations. Rather, conservatives who understood the political power of children supported certain children's programs, such as S-CHIP, in isolation, cutting around them like paper dolls. Meanwhile, they continued to push successfully the agendas of tax-cutting and economic individualism that narrow the reach of such programs. Despite an increase in investment in kids' programs—a study by the Congressional Budget Office in 1999 found that the tax credits, health-care expansion, and other benefits amounted to an increase of \$45 billion in annual spending on kids in working families since 1984—and





**Embracing Kids:** How much can leaders like Nancy Pelosi and Harry Reid, along with the next president, deliver?

significant improvements in child poverty and other measures of well-being, child poverty rates began to crawl back up in this decade. The children who benefit from such programs live in the very families that are the victims of the economic insecurity conservative policies promote.

The failure to date of kids-first politics to transform the politics of social investment or help Americans “rediscover government” is not merely a problem for partisan Democrats or liberals. It is a problem for kids, since Head Start and quality child care cannot make up for the consequences for children of widening inequality and deepening insecurity for the families in which children are raised.

BUT THE FIRST WAVE OF KIDS-FIRST POLITICS ENDED SOME TIME ago, with President Bush’s veto of the expansion of S-CHIP marking its last rites. The choice between continued tax-cutting and positive government support for families with children can no longer be avoided. Yet faced with that choice, all of the Republican presidential candidates (including former Arkansas governor Mike Huckabee, who sometimes talks a good game but puts no policy substance behind his rhetoric) have chosen tax cuts. The social conservatives like Wade Horn have retreated to promoting abstinence and marriage. The “Sam’s Club Republicans” that the young conservative writers Ross Douthat and Reihan Salam predicted in *The Weekly Standard* would marry social conservatism with activist government, in order to support the struggling families of the GOP base, have somehow not yet shown up.

So we now have the opportunity to relaunch a second wave of more robust kids-first politics. And as we do, we should ask what lessons the first wave—the one bookended, roughly, by Babbitt’s speech and the Bush S-CHIP veto—offers for a renewed effort.

First, consensus isn’t always helpful. Let’s not be afraid of a fight. Rockefeller won unanimity only by paring back his commission’s recommendations, particularly by watering down his health-care proposal. A high price was paid to enlist the hardcore social conservatives. But now that they have left the field, we have more flexibility to talk about a real, comprehensive vision for the future of children, one that might not win the support of everyone, but one that can command an enthusiastic majority.

Indeed, if the politics of children is going to have real purchase as politics, as Greenberg foresaw, it has to connect to the conflictual nature of politics. If

everyone is for kids, then there is no real kids’ politics—it’s not an issue in contested political space. Bush’s veto of the S-CHIP bill, while obviously disappointing as policy, at least makes the lines clear: There are politicians who see children as a priority, and there are those who don’t. (At the moment, these lines closely follow party lines, but that has not always been the case and will not be in the future.) Real kids-first politics should be unafraid of forcing that choice, with a confidence that in a high-stakes fight between tax cuts and children, children will prevail.

Second, kids-first politics has to be integrated with a broad vision of economic opportunity and the family. All research on education from early childhood through college shows that family income is the single most important variable in a child’s success. No single programmatic intervention, whether it is first-rate child care or preschool or reform of elementary schools, compensates for the effects of poverty.

In his recent book, *The Sandbox Investment*, David Kirp highlights as an alternative to the preschool-focused campaign in the U.S. the British Labour Party’s approach of setting a “galvanizing objective”—the complete elimination of child poverty—and orienting all policy around that goal. Once such a goal wins broad acceptance, the range of policies that would accompany it fall naturally into place. Under Tony Blair’s government, spending on children tripled, and preschool quickly and quietly became nearly universal.

There would be limits to such an approach in the U.S., however. One is that the poverty line is too low: Lifting the income of a family of three to slightly over \$17,000 is not going to dramatically change their children’s life chances. (Poverty in the U.K. is measured relative to the median income, rather than as an absolute minimum, so the poverty line there for a family of three is more than \$23,000 at current exchange

rates.) More importantly, as Dalton Conley argued in a recent essay in *The Boston Review*, “The Geography of Poverty,” it isn’t income itself that has the biggest impact on kids, but the geography of concentrated poverty and the inability of parents who work long hours and make long commutes to spend enough time with their children. Money is time, and Conley suggests that the best ways to help kids would be by giving their parents higher wages or wage subsidies so they can work fewer hours, by providing paid leave, or by changing the geographic incentives that result in the poorest workers having the longest commutes to work. None of these are alternatives to high-quality child care and early education, but without them, those programs are pushing back against a social and economic trend that hinders their efficacy.

Issues of work and family, and time with one’s children, have a political advantage in that they are relevant to the middle class as well as those near poverty, even if the problems of a two-professional couple and a single parent working two low-wage jobs are very different. Like child-support enforcement and preschool, this cluster of issues lends itself to universalist policies that benefit almost everyone. But not

but for the economy as a whole—of investing in children. (The companion piece in this issue on Illinois demonstrates how that state is moving toward universal, high-quality pre-K while giving priority to the poor.)

THE FIRST WAVE OF KIDS-FIRST POLITICS LED WITH silver-bullet programs and policies. The assumption was that individual policies that won broad elite support would succeed, and thus lead to a broader and more supportive politics for kids and families. A lesson from the partial success of that experiment is that you can win some policy changes without having much effect on the overall political or economic climate, or national priorities.

The next wave should start not with individual policies that win broad bipartisan consent, but with a comprehensive vision. The vision should be aspirational, not safe. A “galvanizing objective,” such as the U.K.’s child-poverty goal, would certainly help. In the American case, perhaps a goal that all children should reach first grade ready to read would help organize all the key initiatives, from Head Start and universal pre-K, to nutrition and health care.

A further advantage of starting from a comprehensive goal such as poverty reduction or school readiness is that it addresses children as members of families. This counters the public anxiety, nurtured by the right, that liber-

## Our children bear the deepest scars from the “you’re on your own” economy and society promoted by the last 30 years of public policy.

all the policies that help kids will be equally universal, and that is a third lesson of kids-first politics. The doctrine that the only programs that can win broad and lasting political support are those that, like Social Security and Medicare, benefit “a huge cross-class constituency,” in the words of Harvard’s Theda Skocpol, is a severe constraint on policies for kids. The result is often programs that offer a little something to everyone, and not enough to anyone to significantly improve economic security or open new opportunities. Tax credits of a few hundred dollars (which if they are not made refundable, actually disproportionately benefit the well-off) provide too little benefit to families who need them and too much to those who don’t. But as Christopher Howard argues in *The Welfare State Nobody Knows*, the credo that “programs for the poor are poor programs,” lacking public support or funding, is not borne out by recent events, such as the creation or expansion of S-CHIP or the steady and quiet expansion of Medicaid and the Earned Income Tax Credit to support low-income working families. While Bush’s veto of the S-CHIP expansion remains hugely unpopular, polls suggest that the Republican argument that the public benefit should not extend to middle-income families resonated with many voters. Freed from the compulsion to offer only universal benefits, no matter how watery, policy-makers will be liberated to design programs that truly lift up the kids who most need help. Such policies need to be coupled with a language of both moral obligation and the economic promise—not just for the immediate beneficiaries,

als view public programs as alternatives to the family, and has the additional advantage, of course, that it is exactly the right approach to policy. Kids are not independent economic actors interacting with S-CHIP or Head Start. Family income (higher wages, Earned Income Tax Credit, child support, and programs to help non-custodial parents train and find work), family time (paid leave, expansion of unemployment insurance to cover family leave), family savings and economic security (baby bonds or individual development accounts), and the supports available to families within communities (such as the Harlem Children’s Zone initiative) should all be priorities, whether the overall objective is poverty or readiness, in part because they make the other programs go further. Children’s advocates should resist worrying that some of the dollars in such programs might support adults or support children only indirectly. It is adults who, indispensably, nurture children.

For all the investment generated by the last wave of kids-first politics, the U.S. social contract still socializes old age and privatizes childhood. Children bear the deepest scars from the “you’re on your own” economy and society promoted by the last 30 years of public policy. Putting childhood itself—and not just a few small programs—at the center of political debate can serve to turn around that debilitating political assumption, for all of us. **TAP**

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# Left Behind?

*Ossining, New York, was at the forefront of school integration. But as American law and public opinion turn against race-based programs, can the town continue to use racial targeting to close the achievement gap?*

BY DANA GOLDSTEIN

**T**EN AFRICAN AMERICAN TEENAGERS CLUSTER TOGETHER in the center of a public high school classroom in Ossining, a northern suburb of New York City. School ended half an hour ago; in the hallway outside, janitors sweep the refuse of the day into neat piles. Some students head across the street for a slice of pizza; others are suiting up for sports practices. Downstairs in the auditorium, theater kids rehearse “You’re A Good Man, Charlie Brown.”

But these 10 young men are, for just a moment, solemnly silent. They stand and bow their heads. Then they recite a pledge:

*As the black men of Ossining High School,*

*We will be positive.*

*We will strive to succeed.*

*We will help one another.*

*We will not allow anyone to interfere with us achieving our goals.*

*Hashay!*

The students are members of Project Earthquake, the flagship program of their school district’s controversial effort to close the achievement gap by providing minority students—boys in particular—with social support and enrichment they may not get at home. At their Wednesday afternoon meetings, the Earthquakers discuss topics ranging from responsible fatherhood to interracial dating to long-term career planning. They fill out worksheets in which they’re asked to imagine adult lives as intellectuals, entrepreneurs, artists, and family providers. If a student walks into the meeting late, he immediately drops to the floor, unasked, and does 15 push-ups.

“Some people are saying Earthquake is a cult,” laughs sophomore Jamal Rodney. “I was never really a good student in eighth grade, but in ninth grade, everything turned around. I joined Earthquake, and now I’m making the high honor roll. I got chosen to be in the National Honor Society.” He and the other club members proudly say that last year, all but one of Project Earthquake’s seniors graduated and headed on to higher education.

The Earthquakers are wise to seek support; the odds for suc-

cess in high school and beyond are against them. In Ossining in 2006, 93 percent of white public school students graduated high school within five years, compared to 48 percent of blacks and 54 percent of Hispanics. Nationwide, about half of black males drop out of high school. Of those who do make it to college, only 43 percent will graduate, compared with 63 percent of white students. More young black males are behind bars than in university lecture halls.

These statistics have penetrated deep into the consciousness of Ossining’s school administrators, who for the past two years have declared it a foremost priority to combat them. Using earmarked funding—much of it donated by a nonprofit founded by upper-middle-class white parents in the district—Ossining is providing segregated enrichment activities to at-risk black and Hispanic boys in kindergarten through 12th grade, as well as parenting support for their caregivers.

The theory behind such programming is that poor minority kids need something different from their school experience than their affluent, white peers. But Ossining is swimming against the tide. Earlier this year, the Supreme Court ruled that Seattle’s integration program—which considered race when assigning students to schools—was unconstitutional. Immediately, all public school programs that categorize students according to race became potentially illegal. On the legislative front, President Bush’s No Child Left Behind Act mandates that schools close the academic achievement gaps among races and classes by 2014 or risk losing federal funding. But the menu of solutions NCLB funds mostly ignores the benefits of integration.

Still, Ossining is standing by its methods. Having committed itself decades ago to integration, it now depends on that integration—and the largesse of its wealthier families—for the resources to segregate and educate by race and gender. Superintendent Phyllis Glassman says that as an Ossining administrator since 1992, she’s seen enough numbers to convince her that the district’s focus on males of color makes sense. “I believe that we’re doing the right thing on behalf of students,” Glassman says. “If it is challenged in the courts, then let the courts decide.”



**Shaking Things Up:** Members of Project Earthquake are shown here in their effort to eradicate the “N-Word” from their school.

between 90 percent and 100 percent black.

Pedagogical trends reinforce the segregationist standard: Current thinking suggests that poor children from unstable homes need rigorous, test-based standards taught through repetition, while privileged kids are free to enjoy the fun stuff—science experiments, journal writing, and music lessons. That kind of thinking can make it seem natural that different kinds of children should learn in different classrooms.

But there’s a problem with that argument: Research shows that students who attended racially and socioeconomically integrated schools have better life outcomes than their nonintegrated peers of similar socioeconomic status. Integrat-

#### ALTHOUGH OSSINING LIES IN AFFLUENT

Westchester county, its demographics set it apart from its neighbors. About 30,000 people live there alongside the Hudson River; the classic gangster movie line “I’ll send you up the river” refers to Ossining’s infamous prison, Sing Sing. The local economy was vibrant in the days of boat trade up and down the Hudson, when streetcars transported shoppers from residential neighborhoods to Main Street. But today, like many post-industrial communities, Ossining can’t seem to revive its downtown. Locally owned shops flounder. Palatial downtown Victorians have been split into low-income rental units inhabited mostly by African Americans and recent immigrants, while wealthier and whiter residents have fled to newer homes and subdivisions in the hills.

When I entered kindergarten in Ossining in 1989, about 60 percent of public school students were white and a quarter were black. But the district has undergone a profound demographic shift over the past 20 years, due mostly to an influx of immigrants from rural Ecuador. Today, white children account for 40 percent of students in the public schools and black children 16 percent, while the Latino population has grown from 15 percent to almost 40 percent. One-third of students qualify for reduced-price or free school lunches. Ten percent of Ossining students (and more in the lower grades) are English-language-learners, and a small ESL program has been supplemented by a few full-time bilingual classes in kindergarten through third grade.

Across America, fewer and fewer school districts are as diverse as Ossining’s. Next door in Briarcliff Manor, 88 percent of public school students are white and less than 1 percent qualify for free lunch. Such homogenous schools are the norm nationwide. Two-thirds of black children attend schools that are “minority majority” and 40 percent attend schools that are

## Research shows that students who attend integrated schools have better life outcomes than their nonintegrated peers.

ed kids of all classes and races grow up into more tolerant adults. And although integrated schools don’t always do a better job of sending poor, nonwhite kids to college, studies have shown that black students are more likely to be successful in the workforce if they’ve attended integrated schools.

Ossining has long embraced the integrationist model in innovative ways. In 1974, after several years of racially motivated violence between white and black high school students, the board of education redrew the lines of the neighborhood elementary schools in order to lessen *de facto* segregation based on housing patterns. The district instituted an even more radical program in 1981, which came to be known nationally as the Ossining Plan. Each of three elementary schools would house every student in the district for two years: kindergarten and first grade in one building, second and third grade in another, and fourth and fifth grade in the last. Since then, all the town’s children have moved together through these schools, and then on to middle school and high school. With these programs, the school district sidestepped controversies over busing while still pursuing integration.

When the former superintendent suggested last spring that the district consider moving back to K-5 elementary schools, in part because studies show that transitions from school to school can depress some students’ achievement, the public outcry was enormous, mostly due to fears of re-segregation. “I think there’s a feeling in the community that the Ossining Plan is sacrosanct, that it’s one of those things you just don’t touch,” explains Superintendent Glassman.

Ossining is “one of the few remaining brave liberal social



experiments,” says Nancy Gutman, PTA president for two of the district’s elementary schools and a part-time college professor. “The values of this district from the superintendent to the custodians are egalitarian.”

**O**NE OF THE WAYS THOSE VALUES MANIFEST IS through Ossining Matters, a local nonprofit foundation founded by upper-middle-class parents in 2003. While parents across the country have established educational foundations to enrich their children’s public schools, rarely do those organizations explicitly tackle the achievement gap. Ossining Matters, on the other hand, a group whose board of directors is largely white, has donated about \$200,000 to the schools, much of it targeted toward programs for African American and Latino students. In essence, the group redistributes wealth in the district from the most to the least privileged.

In the high school, Ossining Matters supports Project Earthquake and writing workshops for Latino students, and donates thousands annually to a Guidance Discretionary Fund, which relieves poor kids of fees for college-level courses, the SAT or ACT exam, and college applications. At the middle school level, there’s High Hopes and Expectations, which introduces African American boys and their families to college preparation. In the elementary schools, Ossining Matters helps fund literacy training for immigrant parents and field trips for targeted African American boys, those who wouldn’t otherwise go to museums or professional athletic events on the weekends.

Ginny Loughlin, a stay-at-home mom of a ninth-grader, is the current president of Ossining Matters. Loughlin, who is white, used to live in Manhattan and work in the financial district. She still occasionally takes on freelance work, but today the foundation is her main project.

“It’s not the responsibility of one group to deal with the achievement gap,” Loughlin says at the local Starbucks, pausing frequently to wave hello to acquaintances she knows through volunteering. “If some students are walking away from the educational process with less than others, that’s something we need to address together as a community.”

Yet critics on both the left and right are skeptical of Ossining’s attempt to close the achievement gap through programming that explicitly targets children for special opportunities according to their race. For one thing, this is exactly the logic the Supreme Court overturned in the Seattle integration case, *Parents Involved in Community Schools v. Seattle School District*. Already the conservative New York Civil Rights Coalition has filed a complaint with the U.S. Department of Education against Ossining’s programs for African American and Latino boys.

Even some progressive education experts argue for a move away from race and toward class as a way of integrating schools and screening kids for special help—a step that would help programs like Ossining’s avoid legal pitfalls in an anti-affirmative action political atmosphere. Richard Kahlenberg, a senior fellow at the Century Foundation, is a pioneer in the class-based movement. “I’d be concerned about discrimination

against girls,” he says of Ossining’s programming. “And I’d be concerned about political backlash. If these are all goodies that are being provided to students, and a big chunk are being excluded—that is, all girls and all whites—then you’ve taken on an unnecessary political problem.”

Indeed, many Ossining parents agree that girls from low-income families and girls of color would also benefit from targeted support in preparing for college and, equally important, avoiding pregnancy. Nationwide, 42 percent of Latina students drop out of high school, and one-third of them cite pregnancy or marriage as the reason. African American girls have a 41 percent national high school dropout rate. In Ossining, Project Earthquake has inspired two sister organizations, Prestigious Ladies (for black female students) and Latina Power. But neither of these demographics receives the same intense attention or funding that the district reserves for boys of color.

There’s also another concern heard around Ossining, one that’s familiar across the country. Some parents of gifted students—mostly affluent, white parents—feel that the district has doubled down on enrichment for at-risk students while cutting back on instruction geared toward their own kids. Indeed, a once-a-week, full-day pull-out class for gifted elementary school students was cancelled in order to pursue a sort of achievement integration: The gifted kids and the struggling kids all learn together, the idea being to push all students to perform at the advanced level. Not all parents think it is working. “Gifted kids are getting tapped to be teaching assistants,” says Gutman, the PTA president. And while she believes passionately in integrated schools, she also worries that the district could undermine the support of the upper-middle-class parents who make these programs financially possible.

**THE QUESTION, OF COURSE, IS WHETHER OSSINING’S STRATEGY IS** working. And here the picture gets even murkier. The district is looking carefully at the impact of its enrichment programs; every black male elementary schooler has his progress tracked by teachers, counselors, and administrators. “Regrettably,” says Superintendent Glassman, “we still have not cracked the code here.”

Pedro Noguera is a New York University sociologist and nationally recognized expert on the achievement gap who has been working with Ossining administrators and teachers for two years. While some of the students participating in Ossining’s social support programs are doing very well, Noguera advises caution in calling Ossining’s race- and gender-targeted approach a model for other districts.

“What I give them credit for already is their willingness to do something and not sort of throw up their hands and blame kids and blame parents,” Noguera says. “Now it’s a question of getting them to focus on the kinds of activities that will give the best results. They’re doing a lot of things, but it’s not clear that they’re working.” He says the results of his research are forthcoming.

Not all of Ossining’s programs have a racial component—some are set up to cast a wider net and may turn out to be more effective simply by virtue of reaching more students. In the high school, all tenth- and eleventh-graders are now required

to take the PSAT exam, which gets teenagers thinking about college earlier than many otherwise would. The district covers the test fee for all students, and on the day of the exam, freshmen and seniors have their choice of visiting one of 12 nearby college campuses. Additionally, the Guidance Discretionary Fund has written checks to more than 60 students who told their guidance counselors they could not afford test-prep courses, college application fees, and the like.

The school has also revised its curricula to lure a more diverse body of students into advanced courses. In addition to standard Advanced Placement classes, the high school now offers college-level courses affiliated with Syracuse University and the State University of New York. “Racism, Classism, Sexism” and “Black History,” both SUNY classes, are team taught by two teachers, one black, one white. More personal and freewheeling than the test-driven and Eurocentric curriculum of AP United States History and AP English Literature, the classes draw primarily nonwhite students.

In October, students in the black history class discussed the Clark doll test, which found that in 1940s America, black children regarded white dolls as “prettier” and “nicer” than black dolls. The research, conducted by psychologists Kenneth and Mamie Clark, was presented as key evidence in *Brown v. Board of Education* to show that segregation depresses black children’s self-esteem. In Racism, Classism, Sexism one day, students debated the extent to which adults push children toward traditional gender roles, and talked about the catego-

American boys toward graduation—is a reminder that integrated school buildings aren’t enough to improve the academic achievement of poor, minority kids. Indeed, the persistence of the achievement gap in Ossining echoes the national data available on race, class, and academic success in integrated schools. A study of about 1,200 children from poor families who relocated to subsidized housing in mixed-income areas during the late 1990s showed that the academic achievement of those children did not improve with the move. The findings were most discouraging for boys, who in some cases did even worse in integrated schools.

But that same study revealed other facts, facts that support Ossining’s efforts to maintain diversity: While academically stagnant, those same poor children, when living in the suburbs, were healthier and less likely to get involved in drugs or gangs. For Project Earthquake member Jamal Rodney, a racially integrated education has proven to him that “even though somebody might be white or Hispanic, it doesn’t necessarily mean they’re going to act wrong towards me.” Fellow Earthquake member Jonathan McRae says that because of the group, “I actually had a dream of going to Harvard. Harvard Law.”

Whether Project Earthquake and race-specific programs like it can get McRae to Harvard remains to be seen. Since Ossining initiated its targeted programs in 2002, the percentage of students going on to college has risen only slightly. And due to the potential legal and political pitfalls of the programs, it’s unclear how long the district will be able to continue its experimentation.

What is clear is that without integration, Ossining wouldn’t have either the will or the way to provide poor students of color with so many extras. There aren’t very many suburban towns

## There aren’t many towns where stay-at-home moms spend their time raising money for African American masculinity support groups.

ries of gay, straight, masculine, feminine, and transgender. Posters displayed in the classroom in which both courses meet defined Marxist Criticism, Biographical Criticism, New Criticism, and Deconstruction, all important movements in the academic humanities, none of which are probed at any depth in Advanced Placement curricula.

Still, these SUNY classes aren’t regarded as the most elite either within Ossining High School or by college admissions officials. Advanced Placement remains the gold standard, and AP classes, according to Ossining students, are still heavily white.

Ossining administrators say they’re addressing the problem in part by training teachers and guidance counselors to hold students of color to higher expectations. But some students say they continue to feel judged by some of the adults around them. “When you, a black student, walk into class, they say, ‘It’s great if he gets a B,’” explains senior Damian Gillespie, president of Project Earthquake. “But if the white student gets a B, it’s, ‘You could do better, you gotta do better, don’t settle for less.’ That’s what Earthquake is trying to do. We’re trying to say to the black community, ‘don’t just settle.’”

The fact that Project Earthquake needs to exist—that a district as diverse as Ossining still struggles to guide African

in America where white stay-at-home moms spend their time raising money for African American masculinity support groups.

On an overcast fall afternoon, two Ossining High School students walk home together from school, heading downtown in the direction of Sing Sing prison. One is Wesley Dyer, a black freshman in a baseball cap. His friend is Liz O’Hanlon, a white freshman wearing the hipster uniform of the day: leggings, ballet flats, a long shirt, and a wide belt.

“It’s really diverse in our school, but I also heard that they’re trying to break the elementary schools into neighborhoods again,” O’Hanlon says, referring to the controversies of the previous year. “If you notice, there are some neighborhoods that are mostly black and some that are mostly white. Some are mostly Hispanic. If they broke it up into neighborhood schools, then you wouldn’t really get a mix of people.”

That O’Hanlon has gotten to know so many different kinds of people at her school sets her apart from the vast majority of suburban American 14-year-olds. She says integration is her favorite thing about Ossining.

Dyer nods seriously in agreement. Neighborhood schools “would be like going back to segregation,” he says. “It wouldn’t make any sense to go back.” **TAP**



# What Ever Happened to Moderate Republicans?

*With the hard right dominating their party, the neo-Eisenhower-Fordniks have formed two groups to recenter the Republicans. But even in their old habitats—Wall Street and the media—they're struggling to be noticed.*

BY THOMAS F. SCHALLER

**W**HEN MINNESOTA'S JIM RAMSTAD WAS FIRST elected to Congress in 1990, the Republican Party was approaching a critical juncture. President George H. W. Bush, a mainline Protestant and former abortion-rights supporter who had just appointed moderate David Souter to the Supreme Court, was riding strong popular approval in the wake of the Gulf War. But the Souter appointment, coupled with Bush's broken pledge to not raise taxes, awakened a conservative movement that had become powerful enough to make or break Republican presidents. Bush tried to appease conservatives with his 1991 selection of Clarence Thomas for the high court, but it was too little too late: He had become an apostate. Ramstad, the moderate rookie, held on to his seat in 1992. Bush did not.

Over the next dozen years, Ramstad would witness the sometimes rapid, occasionally stalled, but always rightward shift of his party. The maverick's image he nurtured with frequent votes against his party was cemented when, after being returned to minority status for a ninth term, Ramstad joined 16 other House Republicans earlier this year to oppose President George W. Bush's Iraq War escalation. So you might expect national Republicans would be rejoicing with the news that the 61-year-old Ramstad decided not to seek re-election in 2008. "It's no secret that Jim Ramstad was ostracized within the Republican Party, in Washington, that's become so extreme and polarized," said Larry Jacobs, of the University of Minnesota's Humphrey Institute, upon learning of Ramstad's decision.

Yet less than a month after Ramstad's announcement, national Republicans asked him to reconsider. The race-trackers at the National Republican Congressional Committee—scrambling to find candidates to run for seats their incumbents have vacated in Arizona, Illinois, Mississippi, New Mexico, and Ohio—know how to count. "With Jim Ramstad out of the race, it will be a competitive district, and probably a seven-figure race on each side," former Minnesota Republican congressman Vin Weber told the *Minneapolis Star-Tribune*. "With Jim in it, it's a put-down hand for the Republicans."

Adding insult to possible Republican injuries, Edina mayor Jim Hovland, a lifelong Republican, is running for the open seat in this increasingly Democratic district—but has switched his affiliation to Minnesota's Democrat-Farmer-Labor Party. "For years, I would characterize myself as a moderate-type Republican," said Hovland. "Over time, I felt like the Republican Party had moved farther and farther away from my philosophical beliefs. I find myself consistently philosophically aligning myself with Democrats." Just when it looked like things had reached rock bottom for the GOP in Minnesota—the airport in Minneapolis, host city for the 2008 Republican National Convention, is where wide-stanced Sen. Larry Craig of Idaho got caught toe-tapping—Ramstad's retirement made things worse.

**JIM RAMSTAD'S CAREER PROVIDES A USEFUL PRISM THROUGH** which to view the Republicans' disappearing moderate wing. Indeed, obscured by the incessant chronicles of the all-powerful evangelical movement or the arresting tactics of conservative kingmakers like Grover Norquist, is a largely unnoticed tale of centrist Republicans and other dispossessed elements within the GOP coalition waging an intraparty struggle to restore some balance to the party. Though the 2006 midterm disaster was a major event in this story, the Terri Schiavo controversy will be remembered as the transformative moment, if for no other reason than it led to former Missouri Republican senator John Danforth's emergence as an unlikely but crucial figure.

On March 30, 2005, Danforth complained in a *New York Times* op-ed that "Republicans have transformed our party into the political arm of conservative Christians," adding that the "problem is not with people or churches that are politically active. It is with a party that has gone so far in adopting a sectarian agenda that it has become the political extension of a religious movement." Danforth is no RINO—the derogatory acronym the right applies to insufficiently conservative "Republicans in Name Only." He's an ordained Episcopal minister. He literally chaperoned Clarence Thomas through the 1991 nomination process for the first President Bush, and was reported to

be a co-finalist for Bush's running mate in the 2000 election. Along with Justice Thomas, future U.S. Sens. Kit Bond and John Ashcroft learned at Danforth's knee when Danforth was the young, up-and-coming attorney general of Missouri.

But by 2005, Danforth had heard enough from these new conservatives. "As a senator, I worried every day about the size of the federal deficit. I did not spend a single minute worrying about the effect of gays on the institution of marriage," he lamented. "Today it seems to be the other way around." Following the 2006 electoral debacle, Danforth joined former New Jersey governor and Environmental Protection Agency director Christine Todd Whitman and former Maryland lieutenant governor Michael Steele to revive the moderate Republican Leadership Council (RLC). Since then, Danforth has also signed up to be a board member for the Republican Main Street Partnership (RMSP), another centrist GOP national organization. Both organizations are troubled by the new conservative orthodoxy, particularly on social issues.

The RLC is a self-described "fiscally conservative, socially inclusive" splinter group that advocates "for the historic Republican principles of liberty, individual responsibility, and personal freedom." The group hopes to resuscitate the moderate, Eisenhower-Ford-Rockefeller wing that long ago lost the intraparty clash for power to the abortion opponents and racially exclusive elements of the Southern-based Goldwater wing. Founded in the mid-1990s, and then dormant for several years after September 11, the RLC's 12-member board overrepresents former Republican officials from the Rust Belt, including three who lost their U.S. House seats in 2006: Connecticut's Rob Simmons and Nancy Johnson, both of whom were beaten in the general election; and Michigan's Joe Schwarz, a freshman Republican who lost his primary to Tim Walberg, an arch-conservative backed by the anti-tax Club for Growth and the state's Right to Life chapter.

The RLC boasts of its "diverse" national board and rejects issue litmus tests. Its affiliated partners are a virtual roll call of the ideologically moderate and identity groups that get trotted out every four years for the Republican National Convention before being shunted aside once national debates commence: The Alliance of Black Republicans, GreenGOP.org, Log Cabin Republicans, Republicans for Choice, Republicans for Environmental Protection, and The WISH List. (The GOP counterpart to the Democrats' EMILY's List, this last group works to recruit and elect pro-choice Republican women.) Collectively, the RLC's chiefs are biographical proxies for these out-groups: Danforth is the white male minister who pushes back against the party's evangelical-led cultural warriors; Todd Whitman is a woman and environmentalist whose book, *It's My Party, Too*, provides a compelling critique of the party's radicalism; and Steele is an African-American who made an earnest attempt in his failed 2006 Senate bid to broaden his party's reach to non-white voters. The only person missing, it seems, is Jim Kolbe, the openly

gay Arizona congressman whose retirement in 2006 left vacant yet another seat Democrats picked up.

Whereas the RLC is trying to change the sociological makeup and cultural issue profile of the modern GOP, the Republican Main Street Partnership prefers to remain ecumenical on social issues. Any Republican members or former members of Congress or governors may join; currently, the organization is comprised of 42 U.S. Representatives, six U.S. senators, and two governors, California's Arnold Schwarzenegger and Hawaii's Linda Lingle. Former New Hampshire congressman Charlie Bass, another 2006 casualty, took over the helm at the RMSP after his defeat. Bass says his organization is unified on core Republican economic principles—low taxes, deregulation, devolving control to state governments—but tries to stay away from the culture-war fights over abortion and other "values" issues. Members include both supporters and opponents of abortion rights alike (though the group supports embryonic stem cell research). Formed in the wake of the 1994 elections



Jim Ramstad



Christine Todd Whitman

that put Georgia conservative Newt Gingrich in the speaker's office, the RMSP operates as a non-profit group with a political action committee that, says Bass, may become involved in the 2008 presidential race (depending on the nominee) but mostly focuses on congressional and gubernatorial races.

Not surprisingly, more than two-thirds of the RMSP's members hail from the Northeast or Midwest. In addition to Bass and Danforth—who recently joined the RMSP's leadership, making him a bridge between the two organizations—the RMSP's leadership team likewise is dominated by former members of Congress from the Northeast—the last remnants of the I-90 corridor coalition that once served as the backbone of the national Republican Party. "What you have is a formerly ascendant group within the party fighting with the current dominant wing," says Kenneth Baer, who wrote about the rise of a different set of centrists in *Reinventing Democrats*. "These people are not evangelicals, they're not Southern, they're not Western, and they're not working class. They are the George H. W. Bushes, not the George W. Bushes."



Because the RMSP's focus is national, the RLC tries to work downballot. Todd Whitman says the RLC "played" in approximately 150 mostly non-federal races nationally, winning 65 of them. "Not bad, given how Republicans did overall last cycle," she crows. For the coming 2008 cycle, the RMSP political action committee, led by Michigan representative Fred Upton, has raised about \$300,000 and hopes to reach a half million dollars by cycle's end. Bass says there is "no competitive" relationship between the two groups, and their cooperation will only grow once Danforth becomes more intimately involved with RMSP. Synergy between the two groups will be necessary if the Republican middle hopes to revitalize itself.

## 2006 took down so many moderates from the GOP delegations that the remaining caucuses are even more conservative.



**THE STRANGE INTERREGNUM BETWEEN THE 2006 DEFEATS AND** the upcoming 2008 presidential contest continues to be a time of intraparty tension and, for Republican moderates, an opportunity to prove their resilience. In early October, Focus on the Family's James Dobson penned a *New York Times* op-ed that threatened a potential Christian right defection if the Republicans nominated a pro-choice presidential candidate. The not-so-veiled target of the commentary was former New York mayor Rudy Giuliani. Dobson said "secular news media" reports that "the conservative Christian movement is hopelessly fractured" were untrue. "If the major political parties decide to abandon conservative principles, the cohesion of pro-family advocates will be all too apparent in 2008."

Dobson's commentary prompted Todd Whitman to take a page from Danforth's playbook and publish some unvarnished thoughts on the RLC's blog. "After years of using the Republican Party to push a far-right social agenda, activists such as James Dobson, Tony Perkins, and Richard Viguerie are apparently willing and eager to abandon the party at the first glimpse of

moderation," she wrote. "That these men would absolve themselves of any responsibility to repairing the Republican Party and preparing for future elections is extremely disappointing—especially considering their far-right views are rightly to blame for the poor standing in which our party now finds itself." While she hopes the intraparty conversation will begin to prompt some change, she doesn't kid herself. "I heard a lot of people say [after the 2006 defeats] that the party wasn't conservative enough," she told me, with audible exasperation.

Bass feels similarly frustrated. After his defeat last November, he had extensive conversations with former House colleagues, including Delaware's Mike Castle, Virginia's Tom Davis, and Michigan's Upton, and they persuaded him to take over the helm at the RMSP for two years. The problem for Bass is that 2006 took down so many moderates from the already conservative House and Senate GOP delegations that the remaining caucuses are even more conservative.

"We [moderates] were a minority of the majority, and now we're a minority in the minority," he says, matter-of-factly. Because several Main Street Partnership members—Illinois' Ray LaHood and Jerry Weller and Ohio's Deborah Pryce—are joining Ramstad on the retirement bandwagon, the group's ranks may thin further in 2008. "There's lots of retirements, and there's nothing we can do about that. It's a natural phenomenon after losing majority control," says Bass, who remains optimistic his party can hold many of these newly opened seats.

Despite the renewed energy in moderate quarters, the fact is that the RLC and the RMSP are struggling to assert their relevance and build momentum. When I first called the RLC's offices, the young female intern who answered the phone

became quickly flustered when I asked to be connected to the voice mailboxes of certain employees. I later learned from communications director Heather Grizzle that RLC's "five, or maybe six" employees, including herself, are actually paid consultants working remotely; only one full-time person is located in the RLC's Union Station office in Washington. No upcoming or recent events are chronicled on the RLC's Web site, and the site's blog has very few posts. Likewise, the RMSP's site reports having sponsored no events since late July, and lists none forthcoming.

Though leaders of both groups told me state-level growth is on the horizon, developments thus far are limited. Visitors to the RLC Web site can use an interactive map to learn how to become involved with the RLC's state chapters. To date, however, only 20 states and the District of Columbia have "volunteer captains" for the RLC's state-level grassroots organizing efforts. (Predictably, 14 of these states are in the Northeast, Midwest, or Southwest, the very parts of the country where Republicans were beaten or replaced by Democrats in 2006.) "The goal isn't to have every state covered right away, but grow

where we do have them,” Grizzle told me by phone from New York. The RMSP also has state affiliates but is operational in only a dozen states, just three of which have contact links.

Neither group is exactly rolling in cash, either. Grizzle says the RLC’s budget is “a few million.” RMSP executive director John Billings also preferred not to provide a precise figure, but confirms that the amount the group’s non-profit raises, entirely from corporate sponsors, is “under eight figures.” Seven-figure budgets are nothing to sneeze at, of course. But such sums are dwarfed by the \$138 million in revenues Dobson’s Focus on the Family had in 2005 or the \$18 million each the Alliance Defense Fund and the American Family Association, key culture-war groups, raise annually. Baer is not surprised that the moderates continue to fight for scraps, or that corporate Republicans have not rushed to provide financial ballast for moderate ventures. “The old-time business Republicans are going to do one of two things: They’re either going to become Democrats, or they’re going to put money where they feel more comfortable,” he says. “But I don’t think the business wing of the Republican Party is that alienated yet because the cultural wing has not given up on their radical economic conservative agenda.”

**IN WASHINGTON, CENTRISM SUPPOSEDLY COMMANDS THE UNDY-**ing reverence of a platoon of pundits, from David Broder on down. The middle matters, we are told, and the center can—no, must—hold. Given the prevailing force of this narrative, it is little wonder that organizations like the centrist Democratic Leadership Council and its chair, Harold Ford, receive ample attention. We likewise hear repeatedly about the need for the Democratic Party to moderate itself and to push back against its identity groups in its base, or against “radical” organizations like MoveOn.org. Only a week after it ran Dobson’s ominous commentary, *The New York Times* front-paged a major analytical piece titled, “Liberal Base Proves Trying to Democrats.”

In noticeably short supply, however, is a complementary conversation about the need to revive the Republican center. The Main Street Partnership garners far less attention than the Democratic Leadership Council: Lexis-Nexis search results produced roughly the same number of matches for “Democratic Leadership Council” in the past two years (996) as the “Main Street Partnership” garnered during the past 10 (994); television and radio transcripts are absurdly asymmetrical, with the DLC matches outpacing RMSP matches over the last decade by a nearly 40-to-1 ratio. (Matches for the Republican Leadership Council are so few that comparisons are not worth reporting.) “The center of the Republican Party isn’t nearly as exciting or sexy as the base,” bemoans Todd Whitman, when asked why groups like hers receive so little attention. “We don’t give the great quotes.” Bass also correctly noted that the DLC is about twice as old as either moderate Republican organization, and the election of former DLC chairman Bill Clinton in 1992 gave the organization a major lift in terms of national attention and resources.

But the core problem is that Beltway protocols tend to result in the validation of Wall Street Democrats, anti-abortion Democrats, religious Democrats, and red-state Democrats, and the shunting aside of green Republicans, pro-choice Republicans,



From the 2007 photojournalism award-winning series, “AIDS Orphans.” Photo: Mike Stocker

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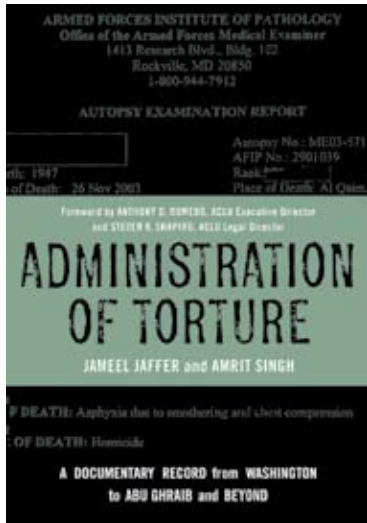
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secular Republicans, and blue-state Republicans. In American politics, Democrats like Zell Miller merit megaphones, while the Republicans like Charlie Bass are put on mute. This reality is not inconsequential to the course of the nation, mind you: The set of policies produced when the national conversation is bounded, say, by the ultra-conservative Americans for Tax Reform on the right and the centrist DLC on the left will be substantively different from those produced by a conversation bounded by the centrist RLC on the right and the liberal Campaign for America's Future on the left.

This asymmetry, and the struggles of moderate Republicans to be heard and heeded, is exacerbated by resistance from movement conservatives to any attempts by Republican centrists to moderate the movement. In 2005, Norquist invited the liberal satan himself, billionaire philanthropist George Soros, to one of Norquist's famed "Wednesday meetings," where Washington-based leaders of the conservative movement gather to strategize. As recounted to John Cassidy of *The New Yorker*, Soros told the room that he considers himself a moderate Republican, but had spent millions the previous year trying to defeat Bush and other Republicans because "moderate Republicans have been practically exterminated in recent years." The audience cheered.

The potential loss of Soros' millions is hardly fatal to the Republican Party, but it does raise an intriguing question: Why isn't the GOP's corporate wing rushing to provide ballast and resources for groups like the Republican Leadership Council and the Republican Main Street Partnership? Baer's explanation—that the social conservatives have adopted the free-market and deregulation agenda—explains why the corporate wing tolerated the social conservatives' radical social agenda. But with the post-2006 Republican brand now tainted, and the party's majorities gone, does this Faustian bargain still make sense? If Republican moderates have any hope, it is that business conservatives will realize that defending their anti-tax and deregulation policies may compel them to rethink the coalitional realities and in turn redirect their dollars.

At the end of our conversation, I asked Charlie Bass if centrist Republicans might be able to revive themselves as quickly and successfully as the Clinton Democrats did in the early 1990s. Bass pointed ahead to 2008, noting that John McCain is a current RMSP member and Mitt Romney was one previously. Of course, neither man has locked up the nomination, and the two recently had a very public fight over what defines a "real Republican." As for Rudy Giuliani, the great social issues apostate, one gets the distinct feeling from Christine Todd Whitman that the former mayor's candidacy is one she and the RLC would welcome as a chance to force their way back into the partisan conversation. Perhaps this murky and quirky 2008 presidential race—no matter whom the Republicans nominate, nor whether he wins—will be remembered years from now as a watershed akin to Goldwater's 1964 bid, but in reverse. **TAP**

*Thomas F. Schaller is an associate professor of political science at the University of Maryland, Baltimore County and author of Whistling Past Dixie: How Democrats Can Win Without the South.*

# Culture & Books

*"Despite his practice as the most interventionist Fed chairman ever, Greenspan's faith in the theory of self-correcting markets was undiminished."*

— PAGE 39



## MEDIA

### SHEDDING HER BOOTSTRAPS?

*In the years of plenty, Suze Orman's mantra was all about personal responsibility. In these leaner years, she's changing her tune.*

BY PHOEBE CONNELLY

SUZE ORMAN'S SEVEN-DAY DECEMBER cruise around the Caribbean has been cancelled. In between shuffle board and sunning, the popular financial adviser had been slated to dispense wisdom on "How to Make More Out of Less," "Retirement Planning," "Investments," and "Estate Planning." But at a time when 2.2 million people have lost, or risk losing, their homes due to the mortgage crisis, when credit card debt has nearly tripled, and when the average student leaves col-

lege with \$21,000 of student loan debt, it seems few people were willing to drop the \$1,000-plus ticket price to learn the mantra of the personal finance industry: You, and you alone, have the power to control your financial destiny.

During the fat years, this message defined the attitude of both the personal finance industry and the average American toward our money and our debt. But in these leaner years, some wise finance-watchers are seeing the limits of the up-

by-your-bootstraps mantra. And now, surprisingly, even Orman has begun to change her tune.

At its core, the personal finance industry is a conservative one. Personal finance is all about the individual—taking responsibility, learning about loans and mortgages, taking steps to ensure that you come out on top.

Orman's biography reflects this ideology. Hers is a hardscrabble story: waiting tables, dreaming of owning a restaurant, walking into a Merrill Lynch interview in a tacky Sasson 1980s pantsuit and cowboy boots and landing a job despite her lack of financial background. She got her break when her book *You've Earned it, Don't Lose It* sold out in a run on QVC, and her success on the well-known shopping network led her to PBS, where she became one of its top fund-raising attractions. She serves as contributing financial editor to Oprah Winfrey's *O Magazine*, and hosts *The Suze Orman Show* on CNBC. She's had six *New York Times* bestsellers, and impressed many with her offhand coming out to the *Times*' Deborah Solomon in an interview this past February. "K.T. is my life partner," she told Solomon. "K.T. stands for Kathy Travis. We're going on seven years."

Orman has built a business around her insight that lack of technical understanding about finances is usually combined with general fear and anxiety toward money. Take Orman's 1997 bestseller, *The 9 Steps to Financial Freedom*: Steps four, five, and six contain the meat of fiscal explanations (trusts versus wills, how and when to invest, the different types of mortgages) while the six other steps walk you through your hang-ups and personal history surrounding money, and empower you to "be open to all you are meant to receive."

Orman has come under criticism for her approach. She is frequently dismissed for her spiritual, holistic discussion of money.



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In a 1999 profile in *The New Republic*, Christopher Caldwell wrote that "the structural resemblance between Alcoholics Anonymous's twelve steps and her nine is uncanny, and, outside of the recovery movement, Orman may be America's most forthright champion of slogans—and of their thought-eradicating potential."

But Orman, with her chatty and confident style, has struck gold by offering what people are actually looking for when they seek personal financial counseling—a basic literacy in how it all works, coupled with the reassurance that despite what past experience has shown them, the market will work for them. That is the promise of financial planning: Markets *do* work, as long as you have the right tools.

The industry of personal finance planning sprung up in the late 1970s, a time of deregulation of consumer credit protections. In 1978 a Supreme Court ruling turned the regulation of credit card interest rates over to the state where the lender was based, allowing a regulatory race to the bottom. This is why—as Tamara Draut, director of the Economic Opportunity Program at Demos and author

She is quick to chastise women who call in to the show confessing that their husbands handle the bills, and she regularly admonishes folks to get a second job when faced with debt, telling a woman on a recent show, "We are not the victims of our circumstances; we are the creators."

But this past year, Orman veered from the party line. In mid-February, Orman was called before the Senate Health, Education, Labor and Pensions Committee to testify about the need for reform in student loans. In her testimony she called for an increase in Pell Grants, a reduction of student loan interest rates, an increase in the income limits for student loan deductibility, and changes in the repayment rules. In other words, she called on the government to help students help themselves.

This summer Orman also brought her concern to *The Suze Orman Show*, starting two shows with segments on students who had been caught in the web of high student debt. In a switch from her usual format, in which callers are offered a 15-minute Orman fix-it plan, she presented two students as case studies in the pitfalls of edu-

*Orman has struck gold by reassuring audiences that markets can work for them. But now she's calling on government to make those markets work better.*

of *Strapped: Why America's 20- and 30-Somethings Can't Get Ahead*, points out—nearly all your credit card solicitations come from South Dakota or Delaware, states that have no caps on interest. "This essentially made state usury laws in regard to credit cards completely useless, and Congress has done nothing to fill that void," Draut said. By 1985, the personal finance planning industry had created its own body, the Certified Financial Planner Board of Standards, which holds a trademark on the phrase "certified financial planner" and requires planners to meet strict criteria for certification. In 1991 there were 22,599 certified financial planners; as of August this year, that number has more than doubled.

Orman, who has held certification since 1986, champions personal responsibility.

cation loans. She talked to Adam on Aug. 18, and asked about the interest rate on his private loan. He answered that it was 9.5 percent. "Thank you!" shouted Orman, "Nine point five percent. Shame, shame, shame on you lenders. Look at what you are doing to the future of the United States of America." And then she really let loose: "But here is the problem. ... We can't do anything about it, because our great legislators have allowed these private institutions to be protected against you claiming bankruptcy."

Orman's take on student debt is two-fold—she sticks by her point that student loan debt is "good debt" (unlike most credit card debt) because you are purchasing future earning capability and investing in yourself. But her calls for regulation are novel in the industry, and new for Orman.

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“Adam,” she says, addressing the young man facing \$85,000 in debt who looks as if he is about to cry, “a lot of it isn’t your fault. Shame, and I want all the parents to be listening to me right now, and all the educators, and all of the loan companies. Listen to me. You should have been educated, you should have been counseled!” In another segment, she interrupted Holly, a culinary school graduate with \$119,000 of debt (some loaned at 16 percent interest) to ask if she had received counseling about her loans before signing. “I don’t often get political here on *The Suze Orman Show*,” she said, “but we need to make it mandatory that when a student signs up for a loan that he or she knows beforehand exactly what the monthly payments are going to be.”

Draut, author of *Strapped*, said that it is refreshing to hear Orman take on the problem of student loans. “It would be great if we could get more personal finance experts to realize that it’s not just an issue of individual responsibility, but also an issue of lender responsibility. What is missing is matching that personal approach with a political approach.”

But so far, Orman is not making the same calls for regulation in say, the mortgage industry. In an episode a week after her interview with Adam, she offered five ways to avoid possible foreclosure—but she didn’t address the ethics of handing out sub-prime mortgages in the first place. She also regularly suggests transferring debt to credit cards, without acknowledging that the credit card industry is plagued with many of the same problems as the student loan industry.

“The student loan industry is certainly not alone in being problematic,” agreed Sarah Byrnes, campaign manager of Americans for Fairness in Lending, a coalition, formed last August, of 17 consumer advocacy groups looking to protect consumers through better regulation in a handful of lending industries. The idea is that personal finance instruction can only take people so far. “As soon as you teach people one trick, the lenders will come up with another one,” Draut said. “In order to distinguish, and know, all of the minutia about your mortgage contract or your credit card contract, you

do have to be a personal finance expert, or even a lawyer.”

It is now becoming clear that much of the personal debt problem in the United States is not the fault of individual spending run amok, but of a systematic failure to protect the consumer from a lending industry that has spun out of control. Could Orman’s realization about student

debt spread? Could she see the structural weaknesses in other areas of the economy? Could she inspire others? “Debt,” she admonishes, “is too big a part of our overall money picture not to give it the respect that it is due. How we treat our debt and the people who are a part of that debt plays a major role in our path to financial freedom.” Lead the way Suze! **TAP**

## BOOKS

# THE GREAT ENABLER

**THE AGE OF TURBULENCE: ADVENTURES IN A NEW WORLD**

BY ALAN GREENSPAN, The Penguin Press, 531 pages, \$35.00

BY ROBERT KUTTNER

**I**N ONE OF THE STORIES THAT HE made up while writing for *The New Republic*, the young fabulist Stephen Glass spun a narrative about an Alan Greenspan cult in the financial world. The members supposedly held reverential celebrations of the Fed chairman’s birthday as well as quasi-religious observances at several brokerage houses. “He’s been good to us, and it’s a way to honor him,” a fictitious bond trader supposedly said. Interestingly, this was *not* one of the articles that brought down the mendacious Glass, for the idea of a Greenspan cult hardly strained credulity.

In his 18 years at the Federal Reserve, Greenspan had the reputation of an economic wizard—the rare Fed chairman who did not take away the punch bowl during booms but somehow avoided getting the economy drunk on inflation nonetheless. Unlike most senior Fed officials, Greenspan came to prominence as a business researcher who studied actual economic conditions in all their institutional complexity. As the junior partner in the economic research firm Townsend-Greenspan, he became celebrated for his genius in forecasting trends based on his detailed reading of such statistical indicators as freight-car loadings and shipments of raw cotton. Along the way, he became an acolyte of Ayn Rand, whom he recalls fondly.

Greenspan first entered public life as

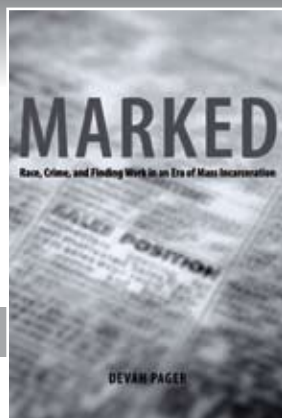
a volunteer economic adviser to Richard Nixon’s 1968 campaign. Though he served as an informal adviser to Nixon after the election, it wasn’t until late in the Watergate scandal that the White House chief of staff, Al Haig, asked Greenspan to become the president’s top economic adviser. Appalled by Nixon’s dalliance with wage and price controls and personally uncomfortable around the man, Greenspan demurred until his old mentor, Fed Chairman Arthur Burns, urged him to accept for the good of the country. His Senate confirmation hearing was Aug. 8, 1974. That evening, Nixon resigned.

Gerald Ford, however, retained Greenspan, who then began what would be a 30-year, bipartisan process of deregulating the U.S. economy. Many Americans think deregulation began under Jimmy Carter or Ronald Reagan, but Greenspan is determined to set the record straight. “Deregulation was the Ford administration’s great unsung achievement,” he crows, meaning, of course, his own. “It’s difficult to imagine how straitjacketed American business was then,” Greenspan continues, insisting with Randian hyperbole that government was monitoring business operations “down to the tiniest detail.”

If Greenspan managed to make over his public image from a competent technical economist cum Ayn Rand fanatic



# ON RACE



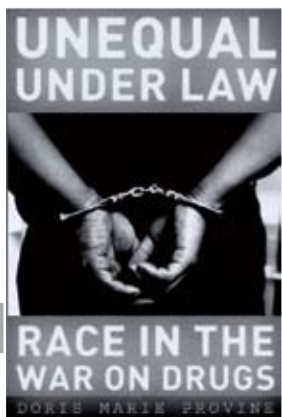
## MARKED

*Race, Crime, and Finding Work in an Era of Mass Incarceration*

Devah Pager

"How do you tell when a democracy is dead? When concentration camps spring up and everyone shivers in fear? Or is it when concentration camps spring up and no one shivers in fear because everyone knows they're not for 'people like us.' . . . Questions like these are unavoidable in the face of America's homegrown gulag archipelago. . . . In *Marked*, Devah Pager uses a simple technique to show how mass incarceration has undone the small amount of racial progress achieved in the 1960s and '70s."—*The Nation*

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*Race in the War on Drugs*  
Doris Marie Provine

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to wise manager of the economy, his personal obsession with getting government out of the way stayed with him. He wrote his memoir virtually on the eve of the meltdown in sub-prime mortgages—a direct result of Greenspan's own refusal to use the Fed's authority to regulate loan-underwriting standards. But, oblivious to the dangers, he declares, "Awareness of the detrimental effects of excessive regulation and the need for economic adaptability has advanced substantially in recent years. We dare not go back."

APPOINTED BY RONALD REAGAN TO chair the Fed in 1987, Greenspan personally knew six presidents as either chief economic adviser or head of the central bank. When *The Age of Turbulence* appeared, the early reviews pounced on the tantalizing, indiscreet tidbits that Greenspan dropped in: "[Nixon] wasn't

Well, not exactly. Read deep into the acknowledgements (which are printed in what looks like six-point type), and you will find this characteristically oblique confession: "Peter Petre has been my collaborator in the writing." Petre, a senior editor at *Fortune*, has become one of America's best (and best-compensated) ghostwriters. In the autobiographies that Petre ghosted for IBM's Thomas Watson Jr. and Gen. Norman Schwarzkopf, Watson had the decency to give Petre a co-author credit line (in much smaller type), while the title page of Schwarzkopf's book says "written with" Petre. But in the case of the vain Greenspan, you need to read down to the middle of page 507 to find any mention of Petre at all.

Nor is this really an insider memoir, in the sense of a book that tells all. Much of what Greenspan recounts was told (in more detail) six years ago in Bob Wood-

*The meltdown in sub-prime mortgages was a result of Greenspan's failure to regulate loan-underwriting standards, but his memoir is oblivious to the dangers.*

exclusively anti-Semitic ... He hated everybody." Bill Clinton and Nixon were the smartest presidents Greenspan served under. Gerald Ford was "as close to normal as you get in a president." George W. Bush disappointed Greenspan as a big spender. And the blockbuster that every lefty had been waiting for: "I am saddened that it is politically inconvenient to acknowledge what everyone knows: the Iraq war is largely about oil."

While some reviewers emphasized these naughty asides, others found it touching that the dour Greenspan, noted for Delphic and opaque pronouncements to congressional committees, reveals himself to be a warm, witty fellow with a romantic side and a remarkable capacity to write graceful narrative. "Not only can Greenspan discourse lucidly on economic matters," an impressed Michael Kinsley wrote in *The New York Times Book Review*, "but he has also written the most unexpectedly charming Washington insider memoir since Katharine Graham's a decade ago."

ward's worshipful book, *Maestro*, written with Greenspan's full cooperation. Greenspan's own acknowledgements page even thanks Woodward for sharing his transcripts of the extensive interviews that Greenspan gave him while the chairman was still in office. While Greenspan offers a few more titillating asides, the book is far more valuable for what it reveals about the interests that the Federal Reserve upholds and the prevailing delusions and inconsistencies in the reigning conservative view of how to operate the economy.

IN HIS LONG CAREER AT THE FED, ALAN Greenspan was the great enabler in three distinct senses. First, thanks to his voracious statistical appetite and close reading of business conditions, he often had deeper insights than his own senior staff and a better feel for the economy than most academic economists. In the mid-1990s, the majority of economists still believed in a static trade-off between inflation and unem-

ployment that supposedly required the Fed to hit the brakes whenever unemployment fell below something like 5 percent. Greenspan's study of the actual economy, however, persuaded him that structural changes allowed the Fed to be more expansive.

With higher rates of productivity thanks to the diffusion of computer technology, the economy could run closer to full employment without triggering inflation. As Greenspan writes, quoting himself at a key meeting of the Federal Open Market Committee in December 1995:

My idea was that as the world absorbed information technology and learned to put it to work, we had entered what would prove to be a protracted period of lower inflation, lower interest rates, increased productivity, and full employment. "I've been looking at business cycles since the late 1940s," I said. "There has been nothing like this." The depth and persistence of such technological changes, I noted, "appear only once every fifty or one hundred years."

The chairman had that exactly right. But Greenspan was also an enabler in a second, less savory sense. As a conservative Republican and disciple of Ayn Rand, Greenspan was a fanatic believer in free markets. Yet when speculative excesses permitted by deregulation caused trouble for big banks, hedge funds, the stock market, or the economy as a whole, Greenspan suddenly turned into a believer in big government. His Fed was prepared to do whatever it took to get the economy back on track. Usually, that meant a bout of very cheap money, which unfortunately fueled the next round of speculative excess.

Had Greenspan stepped in to insist on tighter regulation as the price of giving banks the serial bailouts, that would have been defensible policy. But despite his practice as the most interventionist Federal Reserve chairman ever, his faith in the theory of self-correcting markets was undiminished. Some might find this behavior inconsistent, even hypocritical. For had Greenspan let the supposedly self-regulating financial markets just suf-

fer the consequences of their own folly, big banks would have gone broke, and we could have repeated 1929. As his memoir shows, Greenspan still doesn't get that core contradiction in his worldview.

And Greenspan was the great enabler in a third sense. At just the right political moment, he gave his blessing to George W. Bush's tax cuts, testifying that surpluses were vulnerable to being spent by politicians. As an anti-government libertarian, Greenspan loathed government spending far more than he feared deficits. With fiscal conservatives on Capitol Hill fairly begging Greenspan not to endorse a big tax cut, Greenspan gave Bush the political cover he needed. Greenspan's memoir is full of a lot of disingenuous



backing-and-filling, contending that the press misunderstood his caveats.

When Sen. Kent Conrad, a leading Democratic budget hawk, warned Greenspan, "You're going to create a feeding frenzy ... Why are you backing the Bush tax cut?" Greenspan lamely replied that he was merely endorsing a large tax cut, and not necessarily Bush's. Greenspan admits, however, that the White House was thrilled and that the press played his testimony as an endorsement. "I'd misjudged the emotions of the moment," he writes. But at the time, Greenspan did not take the trouble to correct the record. He goes on to confess surprise that the Bush tax cuts were part of a revenue shortfall that led to a new cycle of big deficits. His criticism of Bush as a fiscal wastrel is equally disingenuous. Bush's "big spending" was mostly on wars, and the rest of the deficit

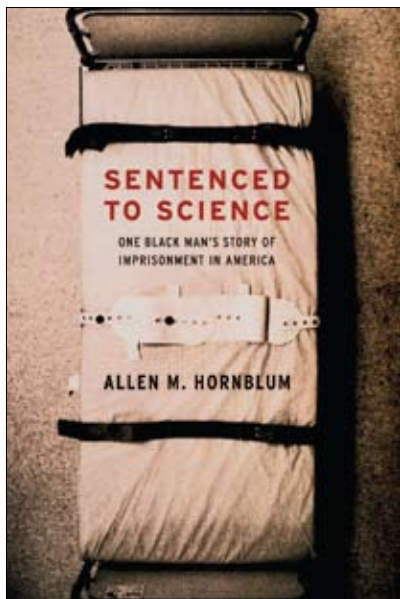
is mainly the result of the tax cuts for which Greenspan himself bears heavy responsibility.

GREENSPAN HAS REALLY WRITTEN four books: a witty autobiography, heavily reliant on Petre's deft hand; an apologia intended to preserve a legacy rapidly being tarnished by events in the financial markets; some gratuitous and fairly pedestrian chapters on far-flung issues—Russia, India, China, Latin America—on which Greenspan is not really expert; and several fascinating sections on core economic-policy questions regarding wages, deficits, regulation, globalization, and inflation. These latter chapters, reflecting Greenspan's own expertise and ideological prejudices, offer a revealing window on the far-right ideology of the people who run the country.

When Greenspan gets back to these various areas of technical analysis, the prose starts reading as if it came from the hand of the chairman personally, not from his ghostwriter. His chapter on the trade deficit and the foreign debt is classic Greenspan—on the one hand, this, on the other hand, that. The trade deficit, he writes, is a problem, but not a dire one because foreigners seem willing to keep funding our foreign debt. On the other hand: "Sudden reversals of foreign investor sentiment cannot be entirely ruled out, with the concomitant risk of rapid declines in the dollar's foreign exchange." Uh-oh. But, then on the third hand: "However, it is easy to exaggerate the likelihood of a dollar collapse." And so on. And when you get to sentences such as the following one, it's clear that this is pure Greenspan, not Petre: "Aggregate net claims against foreigners only (our current account) is an incomplete statistical picture of [our] potential economic stress." With the dollar swooning and America heavily dependent on Chinese lending, Greenspan expresses far more worry about less ominous problems, such as Social Security.

At one point, amid his celebration of the efficiencies of the deregulated economy, Greenspan improbably confesses grave concern about "the emergence of increasing concentrations of income,





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With a Foreword by Harriet Washington

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which is a threat to the comity and stability of democratic societies." Why this new inequality? In a breathtaking discussion that might have come from William Greider, Greenspan blames economic globalization and its downward pressure on U.S. wages. Assessing the "conundrum" of what killed inflation, he points out that 500 million new workers in low-wage countries have been producing for export since 1989. "This movement of workers into the marketplace reduced world wages," Greenspan writes. He adds:

Even though the aggregate payroll of the newly repositioned workforce was only a fraction of that of developed nations, the impact was pronounced. Not only did low-priced imports displace production and hence workers in developed countries, but the competitive effect of the displaced workers seeking new jobs suppressed the wages of workers not directly in the line of fire of low-priced imports.

Take that, globalizers. What's the remedy? As a conservative ideologue, Greenspan is categorically opposed to any of the policy instruments that might restore a more balanced income distribution. He abhors regulation, disdains trade unions, much less labor standards in trade agreements, and opposes social spending. And he is far more worried about a backlash of "populist" politicians exploiting economic discontents and sowing protectionism than about the substantive problems of insecurity and inequality. Instead, he makes an entirely unconvincing pitch for better education, despite his acknowledgement that no amount of education will equilibrate U.S. and Third World wages.

I found this analysis of globalization and inequality, which puts Greenspan at odds with most economists (who still argue that the effect of trade on wages is trivial), far more illuminating and vindicating than anything that Greenspan had to say about Nixon, Bush, or Iraq and oil. Let's hope the revelations of this book, intended and unintended, give inspiration and courage to America's liberals. **TAP**

## BOOKS

## FAITH-BASED HISTORY

## CHRISTIANITY AND AMERICAN DEMOCRACY

BY HUGH HECLLO, Harvard University Press, 299 pages, \$25.95

BY MARCI A. HAMILTON

THE IDEA THAT THE UNITED STATES is a “Christian country” is at the heart of the religious right’s program for reconstructing America’s constitutional and cultural order. For if this is a Christian country, religious conservatives reason, their beliefs rightly dominate the three branches of government, public schools, and public observances. Thus, they would re-institute prayer in public schools, permit posting of the Ten Commandments in any government building, and applaud crèches in both locations.

Despite a great deal of press coverage, however, Christian conservatives have not made a great deal of progress. In its 2005 decision in *McCreary County v. ACLU*, the Supreme Court implicitly addressed the relationship of Christianity and the Constitution. The local government in McCreary County, Kentucky, had passed resolutions declaring that Christianity is the sole source of American law and, therefore, the Ten Commandments belonged in the courthouse, but a majority of the Court was not persuaded and declared that posting the commandments was unconstitutional.

Likewise, after receiving much public attention, the movement for faith-based social programs has foundered. Despite support from the White House, the initiative has hit the shoals of Establishment Clause challenges amid charges that the government is providing funds only to a select group of religious organizations.

These conflicts over religion’s relation to government form the backdrop to Hugh Hecllo’s new book, *Christianity and American Democracy*, which contains a lecture that Hecllo delivered at Harvard in 2006 along with lively responses by Mary Jo Bane, Michael Kazin, and Alan Wolfe. Hecllo, who is a political scientist at George Mason University,

takes the popular claims about America’s Christian foundations and grounds them in a sophisticated historical argument. Indeed, this is the most interesting defense to date of the conception of America as a Christian country—though, in the end, it is no more convincing than other versions of the case.

In tracing Christianity and democracy from America’s founding to the current day, Hecllo identifies two critical eras for his thesis. The first, which he calls The Great Denouement, marks the “hard-won achievement” following the Protestant Reformation. That achievement consisted of the “‘twin tolerations’ that we can now see are essential for modern democracy anywhere in the world—the political freedom of elected governments from control by religious authorities, and the religious freedom of individuals and groups from control by the government.” The second critical era, the 1960s, marks the end of religion, at least in some sense, according to Hecllo, as a result of a crisis brought on by the very principles that he attributes to Christianity—equality and autonomy. In short, Christianity’s influence gets erased by the forces it sets in motion. Other historical periods are something of a blur, though he does make some interesting observations about them in the course of his reflections.

The purpose of Hecllo’s historical account is to explain how Christianity has been good for American democracy, while American democracy has not been so good for Christianity. To explain their relationship, he envisions American Christianity and American democracy as “a double helix of mutual influences.” This helix image mirrors the popular assumption that conservative Christianity is intimately related to American democracy by neatly excluding competing religious traditions within the United

States. The image suggests there has been just one source of religious influence on democracy—Christianity, indeed, Protestantism alone.

But the complexities of American pluralism get lost in Hecllo’s story. As Wolfe puts it in the title of his response to Hecllo, “Whose Christianity? Whose Democracy?” In fact, there has never been anything close to a unified Christian sentiment in the United States; religious division and diversity were with us from the start, but Hecllo does not even acknowledge the deep religious differences among Protestants that characterized the nation’s founding. Congregationalists and Baptists in Massachusetts may have each believed in Christ, but they felt deeply estranged from one another: Congregationalists viewed Baptists as heretics, while the latter looked upon the former as petty tyrants. Anne Hutchinson certainly did not feel any unified Christian sentiment with those who ousted her for her religious beliefs. And if religious groups have felt divided from their religious neighbors, they cannot be responsible for a unified approach to Christianity that would then translate into a uniform effect on American democracy. Kazin puts the point nicely when he criticizes Hecllo for failing to take into account the “ongoing tension between religious Americans ... about whether their faith is being practiced in a way that promotes democracy” because his “focus is more on Christianity than on Christians.”

In a similar vein, Bane rightly takes Hecllo to task for failing to take into account the contributions of Catholicism to American politics and government. Catholics have been a vibrant presence, especially during the latter half of the 20th century. Including Catholicism, though, would undermine his arguments about Christianity’s role in furthering religious liberty and social equality, as Bane points out.

There are equally difficult problems raised by Hecllo’s conception of democracy. The United States has had a wide spectrum of democratic ideals and institutions, from the framers’ vision of a limited federal government with a limited franchise to the bureaucratic representative democracy now in place at





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the national level to the Western states' direct-democracy initiatives. Each and every one is "American democracy," though they are wildly different.

Repeatedly, Hecla credits Christianity with inserting the concepts of equality and individual autonomy into the political context, but he fails to show the connection between these understandings of equality and autonomy and a specific form of democracy. There are times when he seems to be referring to an idealized democracy envisioned by the framers, while at others he apparently means direct democracy, or the actual rule of the people.

Though I am unpersuaded by Hecla's approach, his essay is nonetheless a positive step away from the contemporary, simplistic, self-assured insistence that this is a Christian country. He does not see a happy union of Christianity and democracy from the beginning until now. Nor does he use "Christian country" as a way to mask religious triumphalism. Instead, he worries that the political order that emerged in the 1960s may well have undermined Christianity and that it may not have the capacity to recover.

Yet I was mystified by some of Hecla's reasoning, especially the credit he gives Christianity for the growth of equality. Broad statements like the following are hard to decipher: "Every effort to ally Christianity with human structures of rank and privilege has had to fight against the religion's insistence on a thoroughgoing equality among human beings." He then turns to theology to argue that this equality arises from the Christian believer's sense that, first, all humans are equal before God and, second, all are equally fallen away from God. While his theological references are defensible for many Protestants, his factual claim that Christianity has led ineluctably to equality is hard to square with history. Monarchs, tyrants, and slaveholders have all used Christian theology to justify their domination. Christianity and its principles were at the very foundation of the British monarchy and its system of rank and privilege. The religious and political leaders of the American South invoked Christian precepts to justify slavery, and

those precepts trumped the abolitionist movement for a long time. In South Africa, the Dutch Reformed Church grounded apartheid on its Christian principles. Yes, defined broadly, Christianity was the common element among dominant religious groups when the American constitutional experiment began, but the Founders gave no thought to making women equal to men. Hecla might respond by saying, as he does, that sometimes Christians do not fulfill their Christian principles, but the historical record indicates that, in practice, Christian theology often opposed the principles he is touting.

### *A potent taboo against conceiving of religious groups as interest groups has inhibited the academy as well as others from freely discussing religion's political role.*

Wolfe congratulates Hecla because his essay "represents a huge step in the much-needed direction of reminding political scientists never again to ignore religion the way we had done for far too many decades." Hecla attributes the political scientists' lack of interest in religion to secularism, implicitly accusing them of an anti-religious bias. This point is an echo of the persistent complaint by conservatives that the academy is now filled with secular liberals who are hostile toward Christianity.

But there is another possible explanation for academic neglect of religion—pressure from religious groups themselves, which have encouraged the myth that they become engaged in politics only for disinterested reasons. To be sure, some religious leaders such as Martin Luther King Jr. have acted in support of high ideals, but that is not the whole story.

Ten years ago, when I first started working on issues involving religious organizations in politics, I used the term "religious lobbyist" and was called to task by a minister for my supposedly disrespectful comment. The message was that it was unseemly for me to treat religious organizations as though they were part and parcel of the often unseemly political process. But, in fact, religious groups

have frequently argued for special privileges in the legislatures (and the courts) even though, if permitted, their actions would harm others. For example, states have permitted faith-healing parents to be immune to liability or even prosecution for the serious harm done to their children as a result of medical neglect, and Congress has exempted churches and other religious organizations from land-use laws, thereby allowing them, for example, to build structures that rob a neighborhood of its residential character.

A potent taboo against conceiving of religious groups as interest groups has

affected the academy as well as the rest of society. Recognizing the cultural inclination to defer to, respect, and revere religion turns the secularism argument on its head. Instead of being biased against religion, academics have shied away from discussing the self-interested activities of religious organizations for fear of stirring up a hornet's nest of protest.

To see religion in politics this way is to emphasize the role of changing religious groups, organizations, and coalitions rather than the role of a supposedly unified mass of believers. It implies that the term "Christian country" simply cannot do justice to the religious diversity and division present at the time of America's founding and today. Instead of a faith-based account of religion's role in democracy, we need one based on the evidence—all the evidence—including the profane realities of politicized religion, as uncomfortable as that may make some Americans feel. **TAP**

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# Paying For It

BY ROBERT B. REICH

**O**VER A DECADE AGO WHEN, AS SECRETARY OF LABOR, I hollered about America's widening inequality, I'd get phone calls from Democratic officials who politely asked me to shut up. After all, I was part of the administration, and my complaints made it seem as if the

administration wasn't doing nearly enough.

It wasn't. An expanded Earned Income Tax Credit helped the poorest, but the old working class was going nowhere. At Alan Greenspan's insistence, Bill Clinton jettisoned most of his agenda in order to cut the budget deficit. In return, Greenspan lowered interest rates and created a booming economy that helped Clinton get re-elected. The boom also created enough demand to lift blue-collar wages and temporarily halt widening inequality.

But the underlying trend hasn't changed. Recent data from the IRS show that the wealthiest 1 percent of Americans are earning more than 21 percent of all income—a post-World War II record. The bottom 50 percent of all Americans combined are earning just 12.8 percent. The consequence of fiscal austerity and unwillingness to raise taxes on the rich is that America doesn't have the means to lift the bottom half. So what are leading Democrats prescribing? More of the same.

There are only two economic philosophies in America—trickle-down and bottom-up. Trickle-down means the rich get richer and pay less in taxes. Supposedly they use their extra income to invest in America, which makes all of us more productive. But in a global economy, investments don't trickle down; they trickle out to wherever on the planet the rich can get the highest return. If trickle-

down worked as advertised, inequality wouldn't be widening so fast.

Bottom-up means giving all Americans what they need to be productive—universal and affordable health coverage, good schools, a chance to attend college, job retraining, and affordable child care, for starters. So the question is how the nation can afford all this—and also give the soon-to-retire baby boomers the Social Security and Medicare they expect, pay for homeland security and national defense, invest in non-fossil fuel-based technologies, and repair the nation's decrepit infrastructure. I haven't even mentioned the trillion dollars necessary to shield the middle class from the Alternative Minimum Tax. Even if we cut corporate welfare, eliminated subsidies to agribusiness, and banned all earmarks, we wouldn't have nearly enough.

The only way to meet these needs is to stop obsessing about balancing the budget and start pushing for a serious tax hike on the rich. Yet all Democratic presidential candidates are styling themselves “fiscal conservatives” and none have suggested raising the marginal tax rate on the richest above the 38 percent rate it was at under Bill Clinton (it's now 35 percent, and the richest of the rich—the hedge-fund managers,

private-equity managers, and venture capitalists—are paying only 15 percent, since their earnings are treated as capital gains). The Democrats may talk bottom-up economics, but they're still wedded to trickle-down.

Who should pay what? In paying taxes, people ought to feel about the same degree of pain. Those earning \$2 million a year ought to pay a larger portion of their incomes in taxes than those earning \$20,000 a year. Even Adam Smith saw the wisdom of a graduated tax. “The rich should contribute to the public expense, not only in proportion to their revenue, but something more than in that proportion,” he wrote.

The standard right-wing argument is that a big portion of taxes are already paid by America's rich. That's not only wrong (it leaves out the highly regressive taxes on payrolls, sales, and “sin”) but irrelevant. The rich have become so wealthy that even if each paid out a minuscule percent of their incomes in taxes, they'd still—as a group—account for a significant share of the total. The ethical and logical issue has nothing to do with the sacrifice an economic “class” makes but the sacrifice an individual makes. I find it ironic that right wingers

who extol the virtues of individualism and abhor so-called “class warfare” resort to such specious arguments.

So what's fair? I'd say a 50 percent marginal tax rate on the very rich (earning over \$500,000 a year). Plus an annual wealth tax of one-tenth of 1 percent on the net worth of people holding more than \$5 million

in total assets. Can't be done, you say? Well, the highest marginal tax rate under Republican Dwight Eisenhower was 91 percent, and the American economy did fine. You say the rich will leave the country rather than face a marginal tax of 50 percent? Let them, and take away their citizenship. That should be the Democratic version of tough love. **TAP**

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